

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 410

Representative Miller, J.

Cosponsors: Representatives Forhan, Brennan, Dell'Aquila, Seitz, Russo, Weinstein, Grim, Miranda, Somani, Miller, A., Jarrells, Miller, K., McNally, Rogers, Thomas, C.

A BILL

To amend section 3599.40 and to enact section 1
3517.24 of the Revised Code to regulate the 2
dissemination of deepfake media for the purpose 3
of influencing the results of an election. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3599.40 be amended and section 5
3517.24 of the Revised Code be enacted to read as follows: 6

Sec. 3517.24. (A) As used in this section, "deepfake 7
media" means an image or an audio or video recording that is 8
created with the intent to deceive and that appears to depict a 9
real person speaking or acting in a manner that the person did 10
not actually speak or act. 11

(B) No person shall knowingly create and disseminate, or 12
create and cause to be disseminated, deepfake media for the 13
purpose of influencing the results of an election without 14
disclosing that fact as follows: 15

(1) In the case of an image that is deepfake media, the 16

image shall be accompanied by a written statement that the image 17
has been manipulated. The statement shall be in a font size that 18
is easily readable by a typical viewer and that is not smaller 19
than the largest text accompanying the image. 20

(2) In the case of an audio recording that is deepfake 21
media, the audio recording shall include a spoken statement that 22
the audio recording has been manipulated. The statement shall be 23
spoken in a manner that is easily intelligible to a typical 24
listener. The statement shall be made at the beginning and end 25
of the audio recording and, in the case of an audio recording 26
that is more than four minutes long, at least every two minutes 27
during the audio recording. 28

(3) In the case of a video recording that is deepfake 29
media, the video recording shall include, for the entire 30
duration of the video recording, a written statement that the 31
video recording has been manipulated. The statement shall be in 32
a font size that is easily readable by a typical viewer and that 33
is not smaller than the largest text accompanying the video 34
recording. 35

(C) No person shall knowingly create and disseminate, or 36
create and cause to be disseminated, deepfake media for the 37
purpose of influencing the results of an election during the 38
period beginning ninety days before the day of the election and 39
ending on the day of the election. 40

(D) A person harmed by a violation of this section has and 41
may commence a civil cause of action for compensatory and 42
punitive damages against the violator. The cause of action 43
created by this division is in addition to any other cause of 44
action available under statutory or common law. 45

Sec. 3599.40. Except as otherwise provided in section 46
3599.39 of the Revised Code and except for a violation of 47
section 3517.24 of the Revised Code, whoever violates any 48
provision of Title XXXV of the Revised Code, unless otherwise 49
provided in such title, and whoever violates division (D) of 50
section 9.03 of the Revised Code, is guilty of a misdemeanor of 51
the first degree. 52

Section 2. That existing section 3599.40 of the Revised 53
Code is hereby repealed. 54