

**Senator Wayne A. Harper** proposes the following substitute bill:

**INFORMATION TECHNOLOGY ACT AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Ariel Defay

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to disclosures and penalties associated with the use of synthetic media and artificial intelligence.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ for an audio or visual communication intended to influence voting that contains synthetic media, requires that the communication include specified disclosures based on the type of synthetic media included;
- ▶ imposes penalties for violations; and
- ▶ allows a court or other sentencing body to consider the use of artificial intelligence

as an aggravating factor in sentencing.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

ENACTS:



26 20A-11-1104, Utah Code Annotated 1953  
27 76-3-203.18 (Effective 07/01/24), Utah Code Annotated 1953

28  
29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section 20A-11-1104 is enacted to read:

31 **20A-11-1104. Disclosure of synthetic media.**

32 (1) As used in this section:

33 (a) "Artificial intelligence" means a machine-based system that can, for a given set of  
34 human-defined objectives, make predictions, recommendations, or decisions influencing real or  
35 virtual environments.

35a **Ĥ→ (b) (i) "Creator" means a person that uses artificial intelligence to generate synthetic**  
35b **media.**

35c **(ii) "Creator" does not include a person that solely provides the technology used in the**  
35d **creation of the synthetic media.** ←Ĥ

36 **Ĥ→ [(b)] (c) ←Ĥ "Digital content provenance" means purely factual information that:**

37 (i) **Ŝ→ [provides] details ←Ŝ a digital resource's Ŝ→ creator, ←Ŝ origin, Ŝ→ context,**  
37a **←Ŝ history, and editing process; and**

38 (ii) **conforms to an open industry technical standard.**

39 **Ĥ→ [(e)] (d) ←Ĥ "Generative artificial intelligence" means artificial intelligence technology**  
39a **that is**  
40 **capable of creating content such as text, audio, image, or video based on patterns learned from**  
41 **large volumes of data rather than being explicitly programmed with rules.**

41a **Ĥ→ (e) "Sponsor means a person that pays for the content that uses artificial intelligence to**  
41b **generate synthetic media."** ←Ĥ

42 **Ĥ→ [(d)] (f) ←Ĥ "Synthetic audio media" means audio content that was substantially**  
42a **produced by**  
43 **generative artificial intelligence.**

44 **Ĥ→ [(e)] (g) ←Ĥ "Synthetic visual media" means an image or video that was substantially**  
44a **produced**  
45 **by generative artificial intelligence.**

46 (2) This section applies to an audio or visual communication that:

47 (a) **is paid for by a candidate campaign committee, political action committee, political**  
48 **issues committee, political party, or a person using a contribution;**

49 (b) **is intended to influence voting for or against a candidate or ballot proposition in an**  
50 **election or primary in the state; and**

51 (c) **contains synthetic media.**

52 (3) **An audio communication described in Subsection (2) that contains synthetic audio** ☹

53 media shall include audibly at the beginning and end of the communication the words,

54 "Contains content generated by AI."

55 (4) A visual communication described in Subsection (2) that contains synthetic media

56 shall display throughout the duration of each portion of the communication containing

57 synthetic media, in legible writing, the words:

58 (a) "This video content generated by AI," if the content is a video that includes  
59 synthetic visual media but not synthetic audio media;

60 (b) "This image generated by AI," if the content is an image that includes synthetic  
61 visual media but not synthetic audio media;

62 (c) "This audio content generated by AI," if the video includes synthetic audio media  
63 but not synthetic visual media; or

64 (d) "This content generated by AI," if the communication includes both synthetic audio  
65 media and synthetic visual media.

66 (5) In addition to the requirements in Subsections (3) and (4), a  $\hat{H}$ → [person] creator or  
67a sponsor ← $\hat{H}$  who publishes  
67 an online digital audio or visual communication described in Subsection (2) that is viewable,  
68 audible, or accessible in the state shall ensure the advertisement carries embedded  $\hat{S}$ → tamper-  
68a evident ← $\hat{S}$  digital  
69 content provenance that discloses:

70 (a) the initial author and creator of the content;

71 (b) any subsequent entities that edited, altered, or otherwise modified the content; and

72 (c) any use of generative artificial intelligence in generating or modifying the  
73 substantive content.

74 (6) (a) In a civil action brought  $\hat{H}$ → against the creator or the sponsor of content that  
74a includes synthetic media ← $\hat{H}$  by a person to enforce this section, the court may  
75 impose a civil penalty not to exceed \$1,000 against a person for each violation of this section  
76 that the court finds a person has committed.

77 (b) Compliance with this section does not exempt a person from civil or criminal  
78 liability for violations of other applicable law.

79 Section 2. Section 76-3-203.18 (Effective 07/01/24) is enacted to read:

80 **76-3-203.18 (Effective 07/01/24). Use of artificial intelligence -- Aggravating**  
81 **factor.**

82 (1) As used in this section:

83 (a) "Artificial intelligence" means the same as that term is defined in Section  
84 [20A-11-1104](#).

85 (b) "Material assistance" means providing significant or essential support, information,  
86 tools, or other means that facilitate planning, commission, or concealment of a criminal  
87 offense.

88           (2) The sentencing judge or the Board of Pardons and Parole ~~shall~~ may consider  
88a as an  
89 aggravating factor in their deliberations that the defendant committed or facilitated the criminal  
90 offense with the intentional or knowing use and material assistance of an artificial intelligence  
91 system.

92           (3) This section does not affect or restrict the exercise of judicial sentencing discretion  
93 under any other provision of Utah law.

94           Section 3. **Effective date.**

95           (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

96           (2) The actions affecting Section [76-3-203.18](#) (Effective 07/01/24) take effect on July  
97 1, 2024.