

INFORMATION TECHNOLOGY ACT AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Ariel Defay

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 video 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;
- ▶ enhances criminal penalties for using artificial intelligence to commit certain offenses; and
- ▶ requires prosecutors to provide notice when seeking the artificial intelligence penalty enhancement.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



28 [20A-11-1104](#), Utah Code Annotated 1953

29 [76-3-203.18](#), Utah Code Annotated 1953



31 *Be it enacted by the Legislature of the state of Utah:*

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

33 **20A-11-1104. Disclosure of synthetic media.**

34 (1) As used in this section:

35 (a) "Artificial intelligence" means the capability of a computer system to perform tasks
36 that normally require human intelligence, such as visual perception, speech recognition, content
37 generation, and decision-making.

38 (b) "Generative artificial intelligence" means artificial intelligence technology that is
39 capable of creating content such as text, audio, image, or video based on patterns learned from
40 large volumes of data rather than being explicitly programmed with rules.

41 (c) "Synthetic media" means audio or video content substantially produced by
42 generative artificial intelligence.

43 (2) This section applies to an audio or video communication that:

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

46 (b) is intended to influence voting for or against a candidate or ballot proposition in an
47 election or primary; and

48 (c) contains synthetic media.

49 (3) An audio communication described in Subsection (2) that contains synthetic media
50 shall include at the beginning and end of the communication the words, "Contains content
51 generated by AI."

52 (4) A video communication described in Subsection (2) that contains synthetic media
53 shall include throughout the duration of each portion of the communication containing
54 synthetic media, in legible writing, the words:

55 (a) "This video content generated by AI," if the video includes only video synthetic
56 media;

57 (b) "This audio content generated by AI," if the video includes only audio synthetic
58 media; or

59 (c) "This content generated by AI," if the video includes both video and audio synthetic
60 media.

61 (5) (a) A person who violates this section is subject to a civil penalty not to exceed
62 \$1,000 for each violation.

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

65 Section 2. Section **76-3-203.18** is enacted to read:

66 **76-3-203.18. Enhanced penalty for use of artificial intelligence.**

67 (1) As used in this section:

68 (a) "Artificial intelligence system" means a computer system or software capable of
69 tasks and behaviors typically requiring human intelligence, such as visual perception, speech
70 recognition, and decision-making.

71 (b) "Offense" means an offense described in:

72 (i) Chapter 5b, Part 2, Sexual Exploitation;

73 (ii) Chapter 6, Part 5, Fraud;

74 (iii) Chapter 6, Part 7, Utah Computer Crimes Act;

75 (iv) Chapter 6, Part 11, Identity Fraud Act;

76 (v) Chapter 10, Part 12, Pornographic and Harmful Materials and Performances;

77 (vi) Section [76-5-107.1](#), Threats against schools;

78 (vii) Section [76-5-111.4](#), Financial exploitation of a vulnerable adult;

79 (viii) Section [76-6-405](#), Theft by deception;

80 (ix) Section [76-9-404](#), Criminal defamation;

81 (x) Section [76-9-407](#), Crime of abuse of personal identity; or

82 (xi) Section [76-10-1801](#), Communications fraud.

83 (2) If a trier of fact finds that an actor committed an offense and the actor committed
84 the offense with the use of an artificial intelligence system, the actor is guilty of:

85 (a) a class C misdemeanor if the actor is charged with an offense that is designated by
86 law as an infraction;

87 (b) a class B misdemeanor if the actor is charged with an offense that is designated by
88 law as a class C misdemeanor;

89 (c) a class A misdemeanor if the actor is charged with an offense that is designated by

90 law as a class B misdemeanor;

91 (d) a third degree felony if the actor is charged with an offense that is designated by

92 law as a class A misdemeanor;

93 (e) a third degree felony if the actor is charged with an offense that is designated by law

94 as a third degree felony; or

95 (f) a second degree felony if the actor is charged with an offense that is designated by

96 law as a second degree felony.

97 (3) (a) If an actor is guilty of a class C misdemeanor as described in Subsection (2)(a),

98 the court shall impose a mandatory fine of no less than \$500 in addition to any other penalty

99 the court may impose for a class C misdemeanor.

100 (b) If an actor is guilty of a class B misdemeanor as described in Subsection (2)(b), the

101 court shall impose a mandatory fine of no less than \$500 in addition to any other penalty the

102 court may impose for a class B misdemeanor.

103 (c) If an actor is guilty of a class A misdemeanor as described in Subsection (2)(c), the

104 court shall impose a mandatory fine of no less than \$750 in addition to any other penalty the

105 court may impose for a class A misdemeanor.

106 (d) If an actor is guilty of a third degree felony as described in Subsection (2)(d), the

107 court shall impose a mandatory fine of no less than \$1,000 in addition to any other penalty the

108 court may impose for a third degree felony.

109 (e) If an actor is guilty of a third degree felony as described in Subsection (2)(e), the

110 court shall impose:

111 (i) a mandatory fine of no less than \$1,000; and

112 (ii) an indeterminate term of imprisonment for no less than one year and no more than

113 five years in addition to any other penalty the court may impose for a third degree felony.

114 (f) If an actor is guilty of a second degree felony as described in Subsection (2)(f), the

115 court shall impose:

116 (i) a mandatory fine of no less than \$1,000; and

117 (ii) an indeterminate term of imprisonment for no less than two years and no more than

118 15 years in addition to any other penalty the court may impose for a second degree felony.

119 (4) Except as otherwise provided by another provision of the Utah Code, the court may

120 suspend the execution of an indeterminate term of imprisonment described in Subsection

121 (3)(e)(ii) or (3)(f)(ii) in accordance with Section [77-18-105](#).

122 (5) The prosecuting attorney, or the grand jury if an indictment is returned, shall
123 include notice in the information or indictment that the offense is subject to an enhancement
124 under this section.

125 Section 3. **Effective date.**

126 This bill takes effect on May 1, 2024.