

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

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.

36 (b) "Digital content provenance" means purely factual information that:

37 (i) provides a digital resource's origin, history, and editing process; and

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

39 (c) "Generative artificial intelligence" means artificial intelligence technology 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.

42 (d) "Synthetic audio media" means audio content that was substantially produced by
43 generative artificial intelligence.

44 (e) "Synthetic visual media" means an image or video that was substantially 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 person 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 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 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 consider 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.