

SB0131S01 compared with SB0131

~~text~~ shows text that was in SB0131 but was deleted in SB0131S01.

text shows text that was not in SB0131 but was inserted into SB0131S01.

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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 ~~video~~ 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
- ▶ ~~enhances criminal penalties for using~~ allows a court or other sentencing body to consider the use of artificial intelligence ~~to commit certain offenses; and~~

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~~requires prosecutors to provide notice when seeking the artificial intelligence penalty enhancement;~~ as an aggravating factor in sentencing.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~None~~ This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

20A-11-1104, Utah Code Annotated 1953

76-3-203.18 (Effective 07/01/24), Utah Code Annotated 1953

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

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

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

(1) As used in this section:

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

~~(b) a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments.~~

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

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

(ii) conforms to an open industry technical standard.

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

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

~~(c)e~~ "Synthetic visual media" means ~~audio~~ an image or video ~~content~~ that was substantially produced by generative artificial intelligence.

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

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

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

(c) contains synthetic media.

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

(4) A ~~{video}~~visual communication described in Subsection (2) that contains synthetic media shall ~~{include}~~display throughout the duration of each portion of the communication containing synthetic media, in legible writing, the words:

(a) "This video content generated by AI," if the ~~content is a video that~~ includes ~~only~~ video synthetic media;

~~—— (b) synthetic visual media but not synthetic audio media;~~

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

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

~~(c)d~~ "This content generated by AI," if the ~~{video includes both video and audio~~ synthetic media;

~~—— (5) (a) A person who violates this section is subject to} communication includes both synthetic audio media and synthetic visual media.~~

(5) In addition to the requirements in Subsections (3) and (4), a person who publishes an online digital audio or visual communication described in Subsection (2) that is viewable, audible, or accessible in the state shall ensure the advertisement carries embedded digital content provenance that discloses:

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

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

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

(6) (a) In a civil action brought by a person to enforce this section, the court may

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impose a civil penalty not to exceed \$1,000 against a person for each violation of this section that the court finds a person has committed.

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

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

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

(1) As used in this section:

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

~~— (b) "Offense" means an offense described in:~~

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

~~— (ii) Chapter 6, Part 5, Fraud;~~

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

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

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

~~— (vi) Section 76-5-107.1, Threats against schools;~~

~~— (vii) Section 76-5-111.4, Financial exploitation of a vulnerable adult;~~

~~— (viii) Section 76-6-405, Theft by deception;~~

~~— (ix) Section 76-9-404, Criminal defamation;~~

~~— (x) Section 76-9-407, Crime of abuse of personal identity; or~~

~~— (xi) Section 76-10-1801, Communications fraud.~~

~~(2) If a trier of fact finds that an actor committed an offense and the actor committed ~~the~~ the same as that term is defined in Section 20A-11-1104.~~

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

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

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~~system, the actor is guilty of:~~

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

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

~~—— (c) a class A misdemeanor if the actor is charged with an offense that is designated by law as a class B misdemeanor;~~

~~—— (d) a third degree felony if the actor is charged with an offense that is designated by law as a class A misdemeanor;~~

~~—— (e) a third degree felony if the actor is charged with an offense that is designated by law as a third degree felony; or~~

~~—— (f) a second degree felony if the actor is charged with an offense that is designated by law as a second degree felony.~~

~~—— (3) (a) If an actor is guilty of a class C misdemeanor as described in Subsection (2)(a), the court shall impose a mandatory fine of no less than \$500 in addition to any other penalty the court may impose for a class C misdemeanor.~~

~~—— (b) If an actor is guilty of a class B misdemeanor as described in Subsection (2)(b), the court shall impose a mandatory fine of no less than \$500 in addition to any other penalty the court may impose for a class B misdemeanor.~~

~~—— (c) If an actor is guilty of a class A misdemeanor as described in Subsection (2)(c), the court shall impose a mandatory fine of no less than \$750 in addition to any other penalty the court may impose for a class A misdemeanor.~~

~~—— (d) If an actor is guilty of a third degree felony as described in Subsection (2)(d), the court shall impose a mandatory fine of no less than \$1,000 in addition to any other penalty the court may impose for a third degree felony.~~

~~—— (e) If an actor is guilty of a third degree felony as described in Subsection (2)(e), the court shall impose:~~

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

~~—— (ii) an indeterminate term of imprisonment for no less than one year and no more than five years in addition to any other penalty the court may impose for a third degree felony.~~

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

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court shall impose:

~~—— (i) a mandatory fine of no less than \$1,000; and
—— (ii) an indeterminate term of imprisonment for no less than two years and no more than 15 years in addition to any other penalty the court may impose for a second degree felony.~~

~~—— (4) Except as otherwise provided by another};~~

(3) This section does not affect or restrict the exercise of judicial sentencing discretion under any other provision of {the Utah Code, the court may suspend the execution of an indeterminate term of imprisonment described in Subsection (3)(c)(ii) or (3)(f)(ii) in accordance with Section 77-18-105.

~~—— (5) The prosecuting attorney, or the grand jury if an indictment is returned, shall include notice in the information or indictment that the offense is subject to an enhancement under this section} Utah law.~~

Section 3. **Effective date.**

~~{This}~~ (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

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