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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 401  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. K. Miller and Demetriou

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### SUMMARY

- Creates the offense of nonconsensual distribution of a deepfake.
- Specifies that nonconsensual distribution of a deepfake is a first degree misdemeanor on a first offense and a fifth degree felony on each subsequent offense.

### DETAILED ANALYSIS

#### Nonconsensual distribution of a deepfake

The bill prohibits a person from knowingly distributing a deepfake, creating a deepfake with intent to distribute, or soliciting the creation of a deepfake with intent to distribute, without the depicted individual's consent, in order to harass, extort, threaten, or cause physical, emotional, reputational, or economic harm to the individual falsely depicted.<sup>1</sup> The penalty for nonconsensual distribution of a deepfake is a first degree misdemeanor on a first offense and a fifth degree felony for each subsequent offense.<sup>2</sup>

#### Definition

**"Deepfake"** means an image or recording that has been convincingly altered and manipulated to misrepresent a person as performing an action or making a statement that person did not, in fact, perform or make.<sup>3</sup>

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<sup>1</sup> R.C. 2913.321(B).

<sup>2</sup> R.C. 2913.321(C).

<sup>3</sup> R.C. 2913.321(A).

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## HISTORY

Action	Date
Introduced	02-06-24

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