

**SENATE BILL No. 525**

By Committee on Federal and State Affairs

2-20

1 AN ACT creating the protection against deep fakes act; establishing a  
2 cause of action for damages arising from the use of generative artificial  
3 intelligence to create an image or likeness of another person for use in  
4 obscene material without such person's consent.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) Any person whose image or likeness is used or depicted  
8 by synthetic media in published obscene material without such person  
9 having expressly consented in writing to such use or depiction may bring  
10 an action in an appropriate state court against the producer, promoter or  
11 intentional possessor of such obscene material.

12 (b) In any action brought under this section, the prevailing plaintiff  
13 shall recover:

14 (1) Actual damages;

15 (2) punitive damages in an amount equal to the total amount of  
16 revenue received by the defendant related to the publication of the obscene  
17 material; and

18 (3) reasonable attorney fees and court costs.

19 (c) It shall be an affirmative defense to any action brought under this  
20 section that the plaintiff expressly consented in writing to the use or  
21 depiction of such plaintiff's image or likeness as specifically used in the  
22 published obscene material.

23 (d) It shall not be a defense to any action brought under this section  
24 that the image or likeness of the plaintiff used or depicted in the published  
25 obscene material is generated using artificial intelligence and is not the  
26 actual image or likeness of the plaintiff.

27 (e) As used in this section:

28 (1) "Obscene" and "material" mean the same as defined in K.S.A. 21-  
29 6401, and amendments thereto;

30 (2) "publish" means to make available to one or more persons for  
31 viewing, listening or other method of consuming such material regardless  
32 of whether for profit or free of charge; and

33 (3) "synthetic media" means an image, an audio recording or a video  
34 recording of an individual's appearance, speech or conduct that has been  
35 intentionally manipulated with the use of generative artificial intelligence  
36 techniques or other digital technology in a manner that creates a realistic

1 but false or inaccurate image, audio or video that produces:

2 (A) A depiction that, to a reasonable individual, is of a real individual  
3 in appearance, action or speech but that did not actually occur in reality;  
4 and

5 (B) a fundamentally different understanding or impression of the  
6 appearance, action or speech than a reasonable person would otherwise  
7 have from the unaltered, original version of the image, audio recording or  
8 video recording.

9 (f) This section shall be known and may be cited as the protection  
10 against deep fakes act.

11 Sec. 2. This act shall take effect and be in force from and after its  
12 publication in the statute book.