

The House Committee on Rules offers the following substitute to SB 594:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to
2 establish the criminal offenses of fraudulent election interference and solicitation of such; to
3 provide for definitions; to provide for exceptions; to provide for the Attorney General to have
4 concurrent jurisdiction over such crimes; to provide for punishment; to provide for injunctive
5 relief; to provide for the State Election Board to publish results of investigations into such
6 offenses; to provide for certain disclaimers on campaign advertisements that use AI
7 generated media; to provide for the form of such disclaimers; to amend Part 1 of Article 3
8 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to general
9 provisions relative to obscenity and related offenses, so as to prohibit distribution of
10 computer generated obscene material depicting a child; to provide for a standard for
11 obscenity; to provide for a penalty and probation; to amend Part 4 of Article 6 of Chapter 9
12 of Title 16 of the Official Code of Georgia Annotated, relating to internet and e-mail fraud,
13 so as to establish the criminal offense of digital identity fraud; to provide for criminal
14 penalties; to amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia
15 Annotated, relating to procedure for sentencing and imposition of punishment, so as to
16 provide for sentencing of defendants who utilize artificial intelligence in the commission of
17 certain offenses; to provide for notice and enhanced sentencing; to amend Titles 20 and 32
18 of the Official Code of Georgia Annotated, relating to education and highways, bridges, and

19 ferries, respectively, so as to replace cross-references to Code Section 16-12-80 with Code
20 Section 16-12-80.1; to provide for definitions; to provide for legislative findings and intent;
21 to provide for related matters; to provide for an effective date and applicability; to repeal
22 conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **PART I**
25 **SECTION 1-1.**

26 The General Assembly finds:

- 27 (1) The significant and rapid increase in use and advancements of artificial intelligence
28 and other sophisticated technologies poses a unique danger to the State of Georgia's free
29 and fair system of elections;
- 30 (2) Artificial intelligence and other technologies now allow individuals, both in good faith
31 and bad faith, to create AI generated media that falsely depicts conduct that appears to be
32 real;
- 33 (3) The state and its citizens have the utmost rights to both free and fair elections and
34 freedom of speech; and
- 35 (4) This Act is narrowly tailored for the purpose of protection against the use of deceptive
36 media in bad faith to influence elections by reducing certain candidates' chances of being
37 elected or by suppressing voter turnout through mass confusion.

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PART II
SECTION 2-1.

Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended in Chapter 2, relating to elections and primaries generally, by adding a new Code section to read as follows:

"21-2-605.

(a) As used in this Code section, the term:

(1) 'Election' shall have the same meaning as provided in Code Section 21-5-3.

(2) 'Materially deceptive media' means a video recording, video file, audio recording, or audio file, still image, or still image file that:

(A) Appears to depict a real individual's speech or conduct that did not occur in reality;
and

(B) Would appear to a reasonable observer to be authentic.

(3) 'Person' means any employee, staff member, or other similarly paid affiliated individual of a political party, political body, candidate, campaign committee, political action committee, or any other political committee. Such term shall not include a broadcaster, cable provider, online service, internet service provider, streaming platform, or any employees or agents thereof, who otherwise would not fall under this definition except for their sale of advertising to a person as defined in this paragraph.

(b) A person commits the offense of fraudulent election interference if he or she, with knowledge of its falsity, publishes, broadcasts, streams, or uploads materially deceptive media within 90 days of an election with the intent to deceive one or more electors for the purpose of:

(1) Significantly influencing a candidate's chance of being elected in such election;

(2) Creating confusion about the administration of such election; or

(3) Otherwise influencing the result of such referendum.

64 (c) A person commits the offense of solicitation of fraudulent election interference when
65 he or she, with the intent that a violation proscribed by subsection (b) of this Code section
66 be committed, commands, encourages, or requests any individual to commit a violation
67 proscribed by subsection (b) of this Code section.

68 (d) Nothing in this Code section shall apply to activities protected by the First Amendment
69 to the United States Constitution, including, but not limited to, satire, parody, works of
70 artistic expression, or works of journalism by bona fide news organizations.

71 (e) Upon conviction of an offense under this Code section, a person shall be punished as
72 follows:

73 (1) For the first offense, he or she shall be guilty of a misdemeanor; and

74 (2) For the second or subsequent offense, he or she shall be guilty of a felony and, upon
75 conviction thereof, shall be punished by imprisonment for not less than two years nor
76 more than five years and by a fine not to exceed \$50,000.00.

77 (f) For prosecutions under this Code section, venue shall be proper in any county in this
78 state where:

79 (1) Any act was committed in furtherance of the unlawful conduct;

80 (2) The candidate affected by the alleged violation resides;

81 (3) The defendant resided at the time of the alleged violation; or

82 (4) The materially deceptive media is received.

83 (g) The Attorney General shall have concurrent jurisdiction to conduct the criminal
84 prosecution of a violation of this Code section. A criminal prosecution for a violation of
85 this Code section shall only be initiated upon the Attorney General receiving a
86 recommendation to prosecute from the State Election Board.

87 (h) In addition to any other remedy provided by law, a cause of action for injunctive relief
88 may be maintained against any person who is in violation of this Code section, by:

89 (1) An individual depicted in the materially deceptive media;

90 (2) The Attorney General; or

91 (3) A candidate for office who has been injured or is likely to be injured by the
92 distribution of the materially deceptive media."

93 **SECTION 2-2.**

94 Said chapter is further amended in Code Section 21-2-31, relating to duties of the State
95 Election Board, by revising paragraph (5) as follows:

96 "(5) To investigate, or authorize the Secretary of State to investigate, when necessary or
97 advisable the administration of primary and election laws and frauds and irregularities in
98 primaries and elections and to report violations of the primary and election laws either
99 to the Attorney General or the appropriate district attorney who shall be responsible for
100 further investigation and prosecution. Except as provided in Code Section 21-2-605,
101 nothing ~~Nothing~~ in this paragraph shall be so construed as to require any complaining
102 party to request an investigation by the board before such party might proceed to seek any
103 other remedy available to that party under this chapter or any other provision of law;"

104 **SECTION 2-3.**

105 Said chapter is further amended in Code Section 21-2-33.1, relating to enforcement of
106 chapter, suspension of election superintendents, and support and assistance from the
107 Secretary of State, by adding a new subsection to read as follows:

108 "(a.1) In any investigation stemming from an alleged violation of Code Section 21-2-605,
109 the State Election Board shall release to the public the findings of any completed
110 investigation."

111 **SECTION 2-4.**

112 Title 21 of the Official Code of Georgia Annotated, relating to elections, is further amended
113 in Chapter 5, relating to government transparency and campaign finance, by adding a new
114 article to read as follows:

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"ARTICLE 5

21-5-90.

As used in this article, the term:

(1) 'AI generated media' means a video recording, video file, audio recording, audio file, still image, or still image file that:

(A) Is created through the use of an artificial intelligence system;

(B) Depicts a real individual's speech or conduct that did not occur in reality; and

(C) Appears to a reasonable observer to be authentic.

(2) 'Artificial intelligence system' means an engineered or machine based system that emulates the capability of a person to receive audio, visual, text, or any other form of information and use the information received to emulate a human cognitive process, including, but not limited to, learning, generalizing, reasoning, planning, predicting, acting, or communicating; provided, however, that artificial intelligence systems may vary in the forms of information they can receive and in the human cognitive processes they can emulate.

(3) 'Campaign advertisement' means any campaign material, commercial, advertisement, or other media designed to bring about the nomination or election of an individual to any elected office; designed to bring about the recall of a public officer holding elective office or to oppose the recall of a public officer holding elective office; or designed to bring about the approval or rejection by the voters of any proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in this state or in a county or a municipal election in this state.

(4) 'Person' means any employee, staff member, or other similarly paid affiliated individual of a political party, political body, candidate, campaign committee, political action committee, or any other political committee. Such term shall not include a broadcaster, cable provider, online service, internet service provider, streaming platform,

141 or any employees or agents thereof, who otherwise would not fall under this definition
142 except for their sale of advertising to a person as defined in this paragraph.

143 21-5-91.

144 (a) Notwithstanding the prohibitions contained in Code Section 21-2-605, any person may
145 use AI generated content in any campaign advertisement, so long as the campaign
146 advertisement discloses, in accordance with the provisions of Code Section 21-5-92, that
147 artificial intelligence was used to make part or all of the content of the campaign
148 advertisement.

149 (b) Minor editing of a piece of existing audio or visual media shall not require disclosure
150 under this Code section when such minor editing would not substantially change an
151 observer's understanding of such media.

152 21-5-92.

153 The disclosure provided for in Code Section 21-5-91 shall meet the following
154 requirements:

155 (1) For each campaign advertisement that involves the use, in whole or in part, of visual
156 media, such disclosure:

157 (A) Shall be in writing and completed in each written language used in the remainder
158 of the advertisement; and

159 (B) Shall be clearly readable, which shall mean that the text of the disclosure shall:

160 (i) Be equal to or greater than 25 percent of the vertical picture height;

161 (ii) Be visible for a period of at least 30 percent of the media, in the case of moving
162 images and video; and

163 (iii) Appear with a reasonable degree of color contrast between the background and
164 the text of the statement. A statement satisfies the color contrast requirement of this
165 division if it is printed in black text on a white background or if the degree of color

166 contrast between the background and the text of the statement is no less than the color
167 contrast between the background and the largest type size used in the communication;
168 and

169 (2) For each campaign advertisement that involves the use of audible media but does not
170 involve the use of any visual media, such disclosure shall be announced, articulated,
171 spoken, or otherwise rendered completely using the same audible volume, the same rate
172 of speaking as measured in words per minute, and each spoken language as used in the
173 remainder of the advertisement.

174 21-5-93.

175 (a) Each violation of this article shall be punishable by a fine pursuant to the provisions
176 of Code Section 21-5-6, except that the amount of such fine shall not be less
177 than \$10,000.00.

178 (b) Any violation of this article involving the use of AI generated media in a solicitation
179 for fundraising shall be punishable by disgorgement of any funds raised within ten days of
180 such solicitation.

181 (c) Except as described in subsection (a) of this Code section, nothing in this Code section
182 shall be construed so as to limit the powers or remedies available to the commission.

183 (d) Notwithstanding any other provision of law to the contrary, the commission shall be
184 authorized to investigate any complaint concerning a violation of this article within 90 days
185 of an election.

186 21-5-94.

187 The commission shall be authorized to promulgate such rules and regulations as may be
188 necessary for the execution of its functions under this article."

PART III
SECTION 3-1.

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Part 1 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to obscenity and related offenses, is amended by adding a new Code section to read as follows:

"16-12-80.1.

(a) As used in this Code section, the term:

(1) 'Artificial intelligence system' shall have the same meaning as set forth in Code Section 17-10-22.

(2) 'Child' means any individual under the age of 16 years.

(3) 'Obscene' means material which meets the following requirements:

(A) To an average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion;

(B) The material taken as a whole lacks serious literary, artistic, political, or scientific value; and

(C) The material depicts or describes, in a patently offensive way, sexually explicit conduct.

(4) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section 16-12-100.

(b) A person commits the offense of distribution of computer generated obscene material depicting a child when such person knowingly distributes, solicits, or possesses with intent to distribute a visual depiction of any kind, including an electronic image, electronic video, drawing, sculpture, or painting, that:

213 (1) Depicts an image that appears to be of a child, and that would appear realistic to an
214 average observer, engaging in sexually explicit conduct, whether alone or between
215 persons of the same or opposite sex;

216 (2) Is obscene; and

217 (3) Was created through the use of an artificial intelligence system.

218 (c) A person who commits the offense of distribution of computer generated obscene
219 material depicting a child shall be guilty of a felony and, upon conviction thereof, shall be
220 punished by imprisonment for not less than one year nor more than 15 years.

221 (d) It shall not be a required element of an offense under this Code section that the image
222 of a child in such depiction is of a currently or previously living individual.

223 (e) If the sentence imposed under this Code section is probated, in whole or in part, by the
224 sentencing court, as a condition of such probation, the sentencing court shall have the
225 discretion to impose any or all of the requirements set forth in subsection (b) of Code
226 Section 42-8-35.

227 (f) For purposes of this Code section, a person who, in the course of processing or
228 producing visual or printed matter either privately or commercially, has reasonable cause
229 to believe that the visual or printed matter submitted for processing or producing depicts
230 what appears to be a minor engaged in sexually explicit conduct shall immediately report
231 such incident, or cause a report to be made, to the National Center for Missing and
232 Exploited Children, in addition to the Georgia Bureau of Investigation or the law
233 enforcement agency for the county in which such matter is submitted. Any person
234 participating in the making of a report or causing a report to be made pursuant to this
235 subsection or participating in any judicial proceeding or any other proceeding resulting
236 therefrom shall in so doing be immune from any civil or criminal liability that might
237 otherwise be incurred or imposed, provided such participation pursuant to this subsection
238 is made in good faith.

239 (g) The provisions of subsection (b) of this Code section shall not apply to the activities
240 of law enforcement and prosecution agencies in the investigation and prosecution of
241 criminal offenses."

242 **SECTION 3-2.**

243 Part 4 of Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
244 relating to internet and e-mail fraud, is amended by adding a new Code section to read as
245 follows:

246 "16-9-109.2.

247 (a) As used in this Code section, the term:

248 (1) 'Operator' means any person or entity that operates a social media platform.

249 (2) 'Social media platform' means an internet website, service, application, or product
250 that is open to the public, allows users to create accounts, enables users to communicate
251 or interact with other users, permits users to create or post content, messages,
252 information, or images that are viewable by other users, and permits users to comment
253 on or message other users regarding such content, messages, information, or images.

254 Such term shall not include a direct messaging service.

255 (b) A person commits the offense of digital identity fraud when, using a social media
256 platform, such person knowingly and without authorization:

257 (1) Uses the identity of an individual who is a resident of this state without such
258 individual's consent, including such individual's name, image, identifying information,
259 or social media platform profile information to mimic such individual, with the intent to
260 deceive others, cause harm, or commit fraud; or

261 (2) Creates a social media platform profile that mimics an individual who is a resident
262 of this state without such individual's consent, through use of such individual's name,
263 image, identifying information, or social media platform profile information, with the

264 intent to use such social media platform profile, or to make it available for use by others,
 265 to deceive others, cause harm, or commit fraud.

266 (c) A person who commits the offense of digital identity fraud shall be guilty of a felony
 267 and, upon conviction thereof, shall be punished by imprisonment for not less than one year
 268 nor more than 20 years, a fine of not less than \$1,000.00 nor more than \$500,000.00, or
 269 both.

270 (d) It is the intent of the General Assembly that this Code section shall not be construed
 271 or applied to:

272 (1) Diminish or infringe upon any right of petition or free speech under the Constitution
 273 of the United States or the Constitution of the State of Georgia; or

274 (2) Prosecute or impose liability upon any operator on the basis that such operator is the
 275 publisher or speaker of content that is alleged to constitute digital identity fraud or in any
 276 manner that is inconsistent with Section 230 of Chapter 5 of Title 47 of the United States
 277 Code."

278 **PART IV**
 279 **SECTION 4-1.**

280 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to
 281 procedure for sentencing and imposition of punishment, is amended by adding a new Code
 282 section to read as follows:

283 "17-10-23.

284 (a) As used in this Code section, the term:

285 (1) 'Artificial intelligence system' means an engineered or machine based system that
 286 emulates the capability of a person to receive audio, visual, text, or any other form of
 287 information and use such information to emulate a human cognitive process, including,
 288 but not limited to, learning, generalizing, reasoning, planning, predicting, acting, or

289 communicating; provided, however, that artificial intelligence systems may vary in the
290 forms of information they can receive and in the human cognitive processes they can
291 emulate.

292 (2) 'Designated offense' means:

293 (A) Stalking in violation of Code Section 16-5-90;

294 (B) Aggravated stalking in violation of Code Section 16-5-91;

295 (C) Exploitation of a disabled adult, elder person, or resident in violation of Code
296 Section 16-5-102;

297 (D) Enticing a child for indecent purposes in violation of Code Section 16-6-5;

298 (E) Any misdemeanor or felony offense provided for in Article 1 of Chapter 8 of
299 Title 16;

300 (F) Any misdemeanor or felony offense provided for in Article 3 of Chapter 8 of
301 Title 16;

302 (G) Any misdemeanor or felony offense provided for in Article 5 of Chapter 8 of
303 Title 16;

304 (H) Any misdemeanor or felony offense provided for in Chapter 9 of Title 16;

305 (I) Any misdemeanor or felony offense provided for in Chapter 10 of Title 16;

306 (J) Any misdemeanor or felony offense provided for in Chapter 11 of Title 16;

307 (K) Any misdemeanor or felony offense provided for in Chapter 12 of Title 16; and

308 (L) Fraudulent election interference in violation of Code Section 21-2-604.

309 (3) 'Utilized an artificial intelligence system' means to be the proximate cause of an
310 artificial intelligence system receiving an input or providing an output.

311 (b) Subject to the notice requirement provided in subsection (c) of this Code section and
312 in enhancement of the penalty imposed, if the trier of fact determines beyond a reasonable
313 doubt that the defendant knowingly and intentionally utilized an artificial intelligence
314 system in the commission of a designated offense, the judge imposing sentence shall:

- 315 (1) If the designated offense for which the defendant was convicted is a misdemeanor,
316 impose a sentence of confinement for a period of not less than six nor more than 12
317 months and a fine not to exceed \$5,000.00; or
- 318 (2) If the designated offense for which the defendant was convicted is a felony, impose
319 a sentence of imprisonment for a period of not less than two years and a fine not less than
320 \$5,000.00; provided, however, that, if such designated offense is subject to a minimum
321 sentence of imprisonment for two years or more, the judge shall impose a sentence of
322 imprisonment for not less than such minimum sentence plus one year and a fine of not
323 less than \$5,000.00.
- 324 (c) At any time after the filing of an indictment or accusation, but not later than the
325 arraignment, the state shall notify the defendant of its intention to seek the enhanced
326 penalty or penalties authorized by subsection (b) of this Code section. Such notice shall
327 be in writing and shall allege the specific factor or factors authorizing an enhanced
328 sentence in the case pursuant to this Code section.
- 329 (d) The judge shall state when he or she imposes the sentence the amount of the
330 enhancement of the sentence based on the application of subsection (b) of this Code
331 section."

332 **SECTION 4-2.**

333 Titles 20 and 32 of the Official Code of Georgia Annotated, relating to education and
334 highways, bridges, and ferries, respectively, are amended by replacing "16-12-80"
335 with "16-12-80.1" wherever the former term appears in:

- 336 (1) Code Section 20-5-5, relating to internet safety policies in public libraries;
337 (2) Code Section 32-6-75, relating to restrictions on outdoor advertising authorized by
338 Code Sections 32-6-72 and 32-6-73 and multiple message signs on interstate system,
339 primary highways, and other highways; and

340 (3) Code Section 32-6-75.3, relating to permits for trimming or removal of trees or
341 vegetation in state right of way which obstruct view of outdoor advertising and removal of
342 signs with lapsed permits.

343 **PART V**
344 **SECTION 5-1.**

345 This Act shall become effective on July 1, 2026, and shall apply to all offenses committed
346 on or after such date.

347 **SECTION 5-2.**
348 All laws and parts of laws in conflict with this Act are repealed.