

**HB291 INTRODUCED**



1      HB291  
2      3PW31ZZ-1  
3      By Representative Givan  
4      RFD: Judiciary  
5      First Read: 20-Jan-26



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## 4     SYNOPSIS:

5                 This bill would provide that the distribution of  
6     materially deceptive media is a crime.

7                 This bill would also authorize certain parties  
8     to seek permanent injunctive relief against a person  
9     who distributes materially deceptive media.

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12                 A BILL

13                 TO BE ENTITLED

14                 AN ACT

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16                 Relating to crimes and offenses; to provide that the  
17     distribution of materially deceptive media is a crime; to  
18     authorize certain parties to seek permanent injunctive relief  
19     against anyone who distributes materially deceptive media; and  
20     to provide exceptions.

21     BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22                 Section 1. For the purposes of this act, the following  
23     terms have the following meanings:

24                 (1) ARTIFICIAL INTELLIGENCE. Any artificial system or  
25     generative artificial intelligence system that: (i) performs  
26     tasks under varying and unpredictable circumstances without  
27     significant human oversight; or (ii) is able to learn from  
28     experience and improve performance when exposed to data sets.



## **HB291 INTRODUCED**

29 (2) CREATOR. Any person who prepares, creates, or  
30 causes the preparation or creation and the dissemination of  
31 any material or media produced by generative artificial  
32 intelligence. The term does not include a broadcaster, cable  
33 provider, digital newspaper, online service, Internet service  
34 provider, streaming platform, provider, or developer of any  
35 technology used in the generation of media by artificial  
36 intelligence, or any employee, representative, or agent  
37 thereof, solely for the distribution of a creator, sponsor, or  
38 purchaser's material or media.

39 (3) DEPICTED INDIVIDUAL. An individual who is falsely  
40 represented in materially deceptive media.

41 (4) MATERIALLY DECEPTIVE MEDIA. Any image, audio, or  
42 video that meets all of the following requirements:

43                   a. The media falsely depicts an individual engaging in  
44 speech or conduct in which the depicted individual did not  
45 engage.

46 b. A reasonable viewer or listener would incorrectly  
47 believe that the depicted individual engaged in the speech or  
48 conduct depicted.

49 c. The media was produced by artificial intelligence.

50 (5) SPONSOR. A person at whose request or on whose  
51 behalf any material or media is created, prepared, placed,  
52 published, or disseminated.

53                   Section 2. (a) Except as provided in subsection (b), a  
54    person shall not distribute, or enter into an agreement with  
55    another person to distribute, materially deceptive media.

56 (b) The prohibition in subsection (a) does not apply if



## HB291 INTRODUCED

57 all of the following conditions are met:

58 (1) The creator, sponsor, or purchaser includes a  
59 disclaimer in any presentation of the media informing the  
60 viewer both that the media has been manipulated by technical  
61 means and depicts speech or conduct that did not occur. The  
62 following disclaimer is sufficient, but not necessary, to  
63 satisfy the requirements of this subdivision:

64 "This media has been manipulated by technical means and  
65 depicts speech or conduct that did not occur."

66 (2) If the media is a video, the disclaimer meets all  
67 of the following requirements:

68 a. Appears throughout the entirety of the video.

69 b. Is clearly visible to and readable by the average  
70 viewer.

71 c. Is in a font and size that is easily readable by the  
72 average viewer.

73 d. Is in the same language as the language used in the  
74 video media.

75 (3) If the media consists only of audio and contains no  
76 image or video, the disclaimer is read at the beginning and  
77 end of the media in a clearly spoken manner, in a pitch that  
78 can be easily heard by the average listener, and in the same  
79 language as the audio media.

80 (4) If the media is an image, the disclaimer meets both  
81 of the following requirements:

82 a. Is clearly visible to and readable by the average  
83 viewer.

84 b. Is in the same language as the language used in the



85 image media.

86 (5) If the media was generated by editing an existing  
87 image, audio, or video, the media includes a citation  
88 directing the viewer or listener to the original source from  
89 which the unedited version of the existing image, audio, or  
90 video was obtained.

91 (c) A first violation of this section is a Class A  
92 misdemeanor and a second or subsequent conviction within five  
93 years is a Class D felony.

94 (d) (1) Distribution of material that is prohibited by  
95 this section shall not be a violation of this section if the  
96 distributor does not have actual knowledge that the material  
97 is prohibited, the distributor does not intend to injure or  
98 harm the reputation or prospects of the depicted individual,  
99 and the distributor is: (i) an Internet website, interactive  
100 computer service, or radio or television broadcasting station,  
101 including, but not limited to, a cable or satellite television  
102 operator; (ii) a regularly published newspaper, magazine, or  
103 other periodical, including, but not limited to, an Internet  
104 or electronic publication, programmer, or producer; or (iii) a  
105 website or streaming service, including, but not limited to,  
106 an information service as defined in 47 U.S.C. § 153.

107 (2) This act shall not be construed to alter any  
108 rights, obligations, or immunities created by 47 U.S.C. § 230.

109 (3) This act shall not apply to any content that  
110 constitutes satire or parody and is substantially dependent on  
111 the ability of an individual to impersonate a depicted  
112 individual physically or verbally and not upon technology or



113 artificial intelligence.

114 (4) This act shall not apply to a radio or television  
115 broadcasting station, including a cable or satellite  
116 television operator, programmer, producer, streaming provider,  
117 Internet website, or a regularly published newspaper,  
118 magazine, or other periodical of general circulation,  
119 including an Internet or electronic publication, that  
120 routinely carries news and commentary of general interest that  
121 distributes any materially deceptive media prohibited by this  
122 act as part of a bona fide newscast, news interview, news  
123 documentary, or on-the-spot coverage or a bona fide news event  
124 if the broadcast or publication clearly acknowledges, through  
125 content or disclosure, in a manner that can easily be heard  
126 and understood by the average listener or viewer, that there  
127 are questions about the authenticity of the media.

128 (e) A distributor shall not intentionally remove a  
129 disclaimer included with any media by the creator, sponsor, or  
130 purchaser of the media.

131 Section 3. (a) Either of the following may seek  
132 permanent injunctive relief against a person that violates  
133 this act:

134 (1) The Attorney General.

135 (2) A depicted individual.

136 (b) (1) If a court determines that a complaint for  
137 permanent injunctive relief filed pursuant to subsection (a)  
138 is frivolous, the court shall issue an order suspending the  
139 defendant's obligation to respond to the complaint and shall  
140 order the plaintiff to show cause why the complaint should not



141 be dismissed. If the plaintiff fails to respond to the court  
142 or the plaintiff's response to the court confirms that the  
143 complaint is frivolous, the court shall dismiss the complaint  
144 and may award costs and attorney fees to the defendant and may  
145 issue any appropriate sanctions against the plaintiff and the  
146 plaintiff's attorney.

147 (2) If the plaintiff's response to the court assures  
148 the court that the complaint is not frivolous, the court shall  
149 direct the defendant to answer the complaint.

150 (c) A plaintiff seeking permanent injunctive relief  
151 under subsection (a) must prove by clear and convincing  
152 evidence that the defendant against whom the injunction is  
153 sought knew the media at issue falsely represented the  
154 depicted individual.

155 (d) If a plaintiff, other than the Attorney General, is  
156 awarded permanent injunctive relief under this section, the  
157 court may award costs and attorney fees to the plaintiff.

158 Section 4. This act shall become effective on October  
159 1, 2026.