



SPONSOR: Sen. Townsend

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1
TO
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 316

AMEND House Substitute No. 1 to House Bill No. 316, as amended by House Amendment No. 1 and House Amendment No. 2, by deleting lines 40 through 43 in their entirety and inserting in lieu thereof the following:

“(2) A radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, mobile application, Internet website, or streaming platform, (“broadcasting station”) when it is paid to broadcast a deceptive and fraudulent deep fake and any of the following circumstances exist:

a. The broadcasting station has made a good faith effort to establish that the depiction is not a deceptive and fraudulent deep fake, which shall be presumed if the broadcasting station receives a representation from the payor that the payor has not provided a deceptive and fraudulent deep fake.

b. The broadcasting station prohibits advertisers from including deceptive and fraudulent deep fakes in the content advertisers provide to the broadcasting station.

c. Federal law requires the broadcasting station to air advertisements from legally qualified candidates.”.

FURTHER AMEND House Substitute No. 1 to House Bill No. 316, as amended by House Amendment No. 1 and House Amendment No. 2, by inserting the following after line 67:

“Section 3. Section 5145(d)(2) of Title 15 contained in Section 1 of this Act expires 1 year after this Act’s enactment into law, unless extended by subsequent action of the General Assembly.”.

SYNOPSIS

This Amendment does the following:

(1) Provides an exemption from criminal liability for media broadcasters that have received a representation that the content provided does not include a deceptive and fraudulent deep fake, that prohibit advertisers from including deceptive and fraudulent deep fakes in the content provided to the broadcasters, or that are required by federal law to air advertisements from legally qualified candidates.

(2) Sunsets this exemption from criminal liability 1 year after the Act’s enactment into law, unless extended by subsequent action of the General Assembly.

Author: Senator Townsend