



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: SB0413.01: Criminalize disclosure of certain explicit AI-generated media

Primary Sponsor: Laura Smith

Status: As Introduced

☐ Included in the Executive Budget

☐ Needs to be included in HB 2

☐ Significant Local Gov Impact

☒ Significant Long-Term Impacts

☐ Technical Concerns

☐ Dedicated Revenue Form Attached

### FISCAL SUMMARY

|                             | <u>FY 2026<br/>Difference</u> | <u>FY 2027<br/>Difference</u> | <u>FY 2028<br/>Difference</u> | <u>FY 2029<br/>Difference</u> |
|-----------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| <b>Expenditures</b>         |                               |                               |                               |                               |
| General Fund (01)           | \$0                           | \$0                           | \$0                           | \$0                           |
| <b>Revenues</b>             |                               |                               |                               |                               |
| General Fund (01)           | \$0                           | \$0                           | \$0                           | \$0                           |
| <b>Net Impact</b>           | <u>\$0</u>                    | <u>\$0</u>                    | <u>\$0</u>                    | <u>\$0</u>                    |
| <b>General Fund Balance</b> |                               |                               |                               |                               |

### Description of fiscal impact

SB 413 creates a new crime by criminalizing the disclosure, or threats of disclosure, of "deep fake" artificial intelligence-created pornography. The first conviction would result in a fine, up to one (1) year of incarceration, or both. The second and subsequent convictions would result in a fine, up to five (5) years in prison, or both. If the person portrayed in the media is a minor at the time of the offense, the offender would face a fine, up to ten (10) years in prison, or both. There would not be an immediate fiscal impact to the Department of Corrections, but there would be immediate potential impact to the Office of Public Defender.

### FISCAL ANALYSIS

#### Assumptions

##### Judiciary

1. SB 413 defines synthetic media as an image or video created or altered using technical means including artificial intelligence, to realistically misrepresent an identifiable individual as engaging in conduct in which the identifiable individual did not engage.
2. SB 413 creates the offense of disclosing explicit synthetic media when a person knowingly or purposely discloses explicit synthetic media and 1) knows it would cause the identifiable person substantial emotional distress, (2) with intent to intimidate, terrify or threaten an identifiable person, or (3) with intent to obtain money or other valuable consideration.
3. Section 1 (2) provides that a person convicted of the offense of disclosing explicit synthetic media shall be fined or imprisoned in the county jail.
4. Section 1 (2)(b) states that a person convicted for a second or subsequent conviction of the offense shall be fined or imprisoned in the state prison

5. Section 1(2)(c) states if the person portrayed in the explicit synthetic media is under 18 years of age, the offender would be imprisoned in the state prison.
6. This section of this legislation may increase District Court workload, but the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of any legislation creating new offenses may over time require additional judicial resources because court dockets are generally full throughout the state.

**Department of Justice**

7. The Department of Justice assumes that any costs arising out of SB 413 could be covered by current employees with current funding.

**Office of Public Defender (OPD)**

8. OPD assumes that SB 413 would create a new offense of Disclosing Explicit Synthetic Media and would, as a result, increase the number of cases to which OPD would be appointed each year.
9. However, because OPD has no historical data regarding the frequency of this new offense conduct, OPD is unable to determine how many such new Disclosing Explicit Synthetic Media charges would result from SB 413 nor how many of those charges would be felonies or misdemeanors based on the defendant's prior criminal history and/or age of the alleged victim.
10. Because OPD's FTE staff is already working at capacity, OPD assumes any increase in cases to which OPD is appointed would be represented by contract public defenders.
11. OPD assumes the estimated cost of representation by contract public defenders would be \$97.50 per hour (\$90 per hour professional services rate plus average travel expenses of \$7.50 per case hour).
12. OPD assumes new misdemeanor Disclosing Explicit Synthetic Media cases would be weighted at 10 case weight hours and new felony Disclosing Explicit Synthetic Media cases would be weighted at 50 case weight hours per matter.
13. OPD assumes the total impact of this bill on OPD would be the number of new misdemeanors filed (unknown) times 10 hours per misdemeanor times \$97.50 per hour plus the number of new felonies filed (unknown) times 50 hours per felony times \$97.50 per hour.
14. Impacts of this legislation, along with other legislation in the process this session, may over time require additional resources for OPD.

**Department of Corrections**

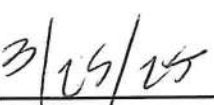
15. The Department of Corrections (DoC) assumes that the new crime would lead to an increased number of offenders in custody or under the supervision of the department.
16. DoC assumes that, since the first offense is a misdemeanor, the department would not see a fiscal impact until after FY 2029.

**Significant Long-Term Impacts**

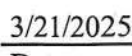
**Department of Corrections (DoC)**

1. While DoC assumes no fiscal impact for the four-year span of the fiscal note, this new crime would likely lead to increased supervision and incarceration, which would have a long-term impact on the department. The degree of impact is not currently quantifiable.

  
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 Sponsor's Initials

  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Budget Director's Initials

  
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 Date