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To: Chairman John T. Smithee and the Members of the House Committee on Criminal Jurisprudence

CC: Vice Chair Gene Wu, Rep. Rhett Andrews Bowers, Rep. David Cook, Rep. Jolanda Jones, Rep. Mitch Little, Rep. AJ Louderback, Rep. Brent A. Money, Rep. Joe Moody, Rep. Ana-María Rodríguez Ramos, Rep. Wes Virdell  
*Via hand delivery and by email.*

From: Adrian Shelley ([ashelley@citizen.org](mailto:ashelley@citizen.org)) and Ilana Beller ([ibeller@citizen.org](mailto:ibeller@citizen.org))  
Public Citizen, 512-477-1155

**Re: HB 449 By Rep. Mary González, unlawful production of intimate deepfake images – Public Citizen testimony in support**

On behalf of our approximately 30,000 members and supporters in Texas, Public Citizen appreciates the opportunity to testify in support of HB 449 By Rep. Mary González, relating to the unlawful production or distribution of sexually explicit images using deep fake technology. We support this bill because it adds production and distribution of intimate deepfake images to the crime of unlawful production of sexually explicit material.

Deepfakes are fabricated content (videos, images, or audio) created with the use of generative artificial intelligence (A.I.) that depict a person saying or doing things that they never actually said or did in real life. An intimate deepfake is a fabricated depiction of an individual nude and/or engaging in sexual acts.

There has been an exponential rise in the circulation of intimate deepfakes in recent years. In 2023, there were over 95,000 deepfake videos circulated online.<sup>1</sup> Deepfake fraud worldwide has increased by more than 10 times from 2022 to 2023.<sup>2</sup> Currently, 98 percent of all deepfakes circulated online are intimate deepfakes.<sup>3</sup> On Telegram alone, there are at least 50 bots that claim to create explicit photos or videos of people with only a couple of clicks. These bots have over 4 million monthly users combined.<sup>4</sup>

It is worth noting, the vast majority (99%) of those victimized by intimate deepfakes are women and girls. A study conducted by the Center for Democracy and Technology found that 15% of students were aware of at least one intimate deepfake of someone associated with their school.<sup>5</sup>

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<sup>1</sup> Home Security Heroes. (n.d.). 2023 State of Deepfakes: Realities, Threats, and Impact. Retrieved from Home Security Heroes: <https://www.homesecurityheroes.com/state-of-deepfakes/>.

<sup>2</sup> Cruz, B. (2024, September 26). 2024 Deepfakes Guide and Statistics. Retrieved from Security.org: <https://www.security.org/resources/deepfake-statistics/>.

<sup>3</sup> Home Security Heroes. (n.d.). 2023 State of Deepfakes: Realities, Threats, and Impact. Retrieved from Home Security Heroes: <https://www.homesecurityheroes.com/state-of-deepfakes/>.

<sup>4</sup> Burgess, M. (2024, October 15). Millions of People Are Using Abusive AI ‘Nudify’ Bots on Telegram. Retrieved from WIRED: <https://www.wired.com/story/ai-deepfake-nudify-bots-telegram/>.

<sup>5</sup> Williams, K. (2024, October 10). Minors Are On the Frontlines of the Sexual Deepfake Epidemic — Here’s Why That’s a Problem. Retrieved from: Tech Policy Press: <https://www.techpolicy.press/minors-are-on-the-frontlines-of-the-sexual-deepfake-epidemic-heres-why-thats-a-problem/>.

Intimate deepfakes cause serious harm to innocent people.<sup>6</sup> Victims report experiencing significant emotional consequences and trauma,<sup>7</sup> as well as damage to their reputation and career. In October 2023, more than 30 teen girls at a highschool in New Jersey were violated when A.I. generated intimate images of them were circulated around their school.<sup>8</sup> These girls reported feeling humiliated, exposed, and traumatized. Unfortunately, this is not just a singular incident. Cases of young people being victimized by intimate deepfakes have been reported in schools all across the country including schools in Texas, California, and Washington.

Intimate deepfakes can be used for monetary extortion as well. The FBI recently warned the public of “sextortion” schemes,<sup>9</sup> in which intimate deepfakes are used to extort victims for monetary gain. In addition to causing financial loss, victims report experiencing severe mental health issues and dozens have taken their own lives.<sup>10</sup>

Recent advances in the realm of A.I. have made it such that tools needed to create deepfakes are now widely accessible. It only takes a few dollars and a few minutes to create a deepfake.<sup>11</sup> Meanwhile, the quality of deepfake technology is improving rapidly, making it harder for the average person to detect a deepfake. A study conducted by the Institute of Electrical and Electronics Engineers found that even four years ago, that more than 75% of the time, people could not correctly identify good quality deepfake videos.<sup>12</sup> This problem continues to grow exponentially as technology quickly advances.

Without regulation, anyone can fall victim to this traumatizing form of exploitation. Legislation like HB 449, which adds production and distribution of intimate deepfake images to the crime of unlawful production of sexually explicit material.

Thirty-one states including Texas have already passed legislation regulating the circulation of intimate deepfakes, and numerous other states are working to pass similar legislation. This legislation has broad bipartisan support, with Republicans and Democrats alike introducing and supporting these bills.

Public Citizen strongly urges the House Committee on Criminal Jurisprudence to move HB 449 forward in order to protect innocent people. Thank you again for the opportunity to testify.

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<sup>6</sup> Nelson, H. (2024, February 7). Taylor Swift and the Dangers of Deepfake Pornography. Retrieved from National Sexual Violence Resource Center:

<https://www.nsvrc.org/blogs/feminism/taylor-swift-and-dangers-deepfake-pornography>.

<sup>7</sup> Nickert, J. (2023, November 13). The Damage Caused by Deepfake Porn. Retrieved from HealthNews:

<https://healthnews.com/mental-health/anxiety-depression/the-damage-caused-by-deepfake-porn/>.

<sup>8</sup> Blanco, A. (2023, November 3) Teen boys at New Jersey school accused of creating AI deepfake nudes of female classmates. Retrieved from Independent UK:

<https://www.independent.co.uk/news/deepfake-nude-westfield-high-school-nj-b2440793.html>.

<sup>9</sup> Gans, J. (2023, June 6). FBI warns of ‘deepfakes’ in sextortion schemes. Retrieved from The Hill:

<https://thehill.com/policy/cybersecurity/4037204-fbi-warns-of-deepfakes-in-sextortion-schemes/>.

<sup>10</sup> Siemaszko, C. (2022, May 8). "Sextortionists' are increasingly targeting young men for money. The outcome can be deadly. Retrieved from NBC News:

<https://www.nbcnews.com/tech/tech-news/sextortionists-are-increasingly-targeting-young-men-money-out-come-can-rena27281>.

<sup>11</sup> Bond, S. (2023, March 23). It takes a few dollars and 8 minutes to create a deepfake. And that's only the start. Retrieved from NPR:

<https://www.npr.org/2023/03/23/1165146797/it-takes-a-few-dollars-and-8-minutes-to-create-a-deepfake-and-thats-only-the-start>.

<sup>12</sup> Korshunov, P. & Marcel, S. (2021, June 11). Subjective and Objective Evaluation of Deepfake Videos. Retrieved from the Institute of Electrical and Electronics Engineers: <https://ieeexplore.ieee.org/document/9414258>.