

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILLS NOS. 2628 & 2603

102ND GENERAL ASSEMBLY

5403S.04C

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof six new sections relating to electronic communications, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 407.1095, 407.1098, 407.1101, and  
2 407.1104, RSMo, are repealed and six new sections enacted in  
3 lieu thereof, to be known as sections 115.645, 407.1095,  
4 407.1098, 407.1101, 407.1104, and 407.1115, to read as follows:

**115.645. 1. For the purposes of this section, the  
2 following terms shall mean:**

3 (1) "Creator", any person that utilizes or deploys  
4 artificial intelligence or other digital technology to  
5 generate synthetic media, but does not include a provider or  
6 a developer of any technology used in the creation of  
7 synthetic media;

8 (2) "Deceptive and fraudulent deepfake", synthetic  
9 media that provides false information to voters about where,  
10 when, or how they can lawfully vote or depicts a candidate  
11 or political party with the intent to injure the reputation  
12 of the candidate or party and otherwise deceive a voter that:

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13           (a) Appears to a reasonable person to depict a real  
14 individual saying or doing something that did not actually  
15 occur; or

16           (b) Provides a reasonable person a fundamentally  
17 different understanding or impression of the appearance,  
18 action, or speech of a candidate or party than such person  
19 would have from an unaltered, original version of the image,  
20 audio recording, or video recording;

21           (3) "Synthetic media", an image, audio recording, or  
22 video recording of an individual's appearance, speech, or  
23 conduct that has been created or intentionally manipulated  
24 with the use of generative adversarial network techniques or  
25 other digital artificial intelligence technology in a manner  
26 to create a realistic but false image, audio, or video.

27           2. Except as provided in subsection 3 of this section,  
28 a creator shall not, within eighteen weeks of an election,  
29 distribute a synthetic media message that the creator knows  
30 or should have known is a deceptive and fraudulent deepfake.

31           3. (1) The provisions of subsection 2 of this section  
32 shall not apply if the creator of the audio or visual media  
33 includes a disclosure stating: "This \_\_\_\_\_ has been  
34 manipulated or generated by artificial intelligence.".

35           (2) The blank shall be filled in with whichever of the  
36 following terms most accurately describes the media: image,  
37 video, or audio.

38           (3) For visual media, the text of the disclosure shall  
39 appear in a size no smaller than the largest font size of  
40 other text appearing in the visual media. If the visual  
41 media does not include any other text, the disclosure shall  
42 appear in a size that is easily readable by the average  
43 viewer. For visual media in video format, the disclosure  
44 shall appear for the duration of the video.

45           (4) If the media consists of audio only, and no visual  
46 disclosure is feasible, the disclosure shall be read in a  
47 clearly spoken manner and in a pitch that can be easily  
48 heard by the average listener at the beginning of the audio,  
49 at the end of the audio, and, if the audio is greater than  
50 two minutes in length, interspersed within the audio at  
51 intervals not to exceed two minutes in length.

52           4. A candidate whose appearance, action, or speech is  
53 depicted through the use of a deceptive and fraudulent  
54 deepfake in violation of subsection 2 of this section may  
55 seek injunctive or other equitable relief from the creator  
56 prohibiting the publication of such deceptive and fraudulent  
57 deepfake.

58           5. A person who violates the provisions of subsection  
59 2 of this section may be subject to the following penalties:

60           (1) A class B misdemeanor;

61           (2) A class A misdemeanor if the person commits the  
62 violation with the intent to cause violence or bodily harm;  
63 or

64           (3) A class E felony if the person commits the  
65 violation within five years of one or more prior convictions  
66 under this section.

67           6. This section shall not apply to a radio or  
68 television broadcasting station, including a cable or  
69 satellite television operator, programmer, or producer, that  
70 broadcasts a deceptive and fraudulent deepfake prohibited by  
71 this section as part of a bona fide newscast, news  
72 interview, news documentary, or on-the-spot coverage of bona  
73 fide news events, if the broadcast clearly acknowledges  
74 through content or a disclosure, in a manner that can be  
75 easily heard or read by the average listener or viewer, that

76 there are questions about the authenticity of the materially  
77 deceptive audio or visual media.

78 7. This section shall not apply to a radio or  
79 television broadcasting station, including a cable or  
80 satellite television operator, programmer, or producer, or  
81 website developer or owner, when it is paid to broadcast a  
82 deceptive and fraudulent deepfake. The responsibility and  
83 liability shall rest solely with the advertiser or entity  
84 that paid to broadcast the deceptive and fraudulent deepfake  
85 and not with the radio or television broadcasting station or  
86 website developer or owner disseminating the deceptive or  
87 fraudulent deepfake.

88 8. This section shall not apply to an internet website  
89 or a regularly published newspaper, magazine, or other  
90 periodical of general circulation, including an internet or  
91 electronic publication, that routinely carries news and  
92 commentary of general interest and that publishes a  
93 deceptive and fraudulent deepfake prohibited by this section  
94 if the publication clearly states that the audio or visual  
95 media does not accurately represent the speech or conduct of  
96 the candidate.

97 9. This section shall not apply to an interactive  
98 computer service, as defined in 47 U.S.C. Section 230, for  
99 content provided by another party.

100 10. This section shall not apply to materially  
101 deceptive audio or visual media that constitutes satire or  
102 parody.

407.1095. As used in sections 407.1095 to 407.1110,  
2 the following words and phrases mean:

3 (1) "Business subscriber", a person or entity that,  
4 for business use, has subscribed to telephone service,  
5 wireless service, or other similar service;

6           (2) "Call spoofing", the practice by a calling party  
7 or any caller identification service of knowingly  
8 transmitting misleading or inaccurate caller identification  
9 information with the intent to defraud, cause harm, harass,  
10 or wrongfully obtain anything of value;

11           (3) "Caller identification service", a type of  
12 telephone service which permits telephone subscribers to see  
13 the telephone number of incoming telephone calls;

14           [(2)] (4) "Residential subscriber", a person who, for  
15 [primarily] personal and familial use, has subscribed to  
16 residential telephone service, wireless service or similar  
17 service, or the other persons living or residing with such  
18 person;

19           [(3)] (5) "Seller", the same as defined in section  
20 407.1070;

21           (6) "Telemarketer", the same as defined in section  
22 407.1070;

23           (7) "Telephone solicitation", any voice, facsimile,  
24 short messaging service (SMS), or multimedia messaging  
25 service (MMS), for the purpose of encouraging the purchase  
26 or rental of, or investment in, property, goods or services,  
27 but does not include communications:

28           (a) To any **business subscriber or** residential  
29 subscriber with that subscriber's prior express invitation  
30 or permission;

31           (b) By or on behalf of any person or entity with whom  
32 a **business subscriber or** residential subscriber has had a  
33 business contact within the past one hundred eighty days or  
34 a current business or personal relationship;

35           (c) By or on behalf of an entity organized pursuant to  
36 Chapter 501 (c) (3) of the United States Internal Revenue  
37 Code, while such entity is engaged in fund-raising to

38 support the charitable purpose for which the entity was  
39 established provided that a bona fide member of such exempt  
40 organization makes the voice communication;

41 (d) By or on behalf of any entity over which a federal  
42 agency has regulatory authority to the extent that:

43 a. Subject to such authority, the entity is required  
44 to maintain a license, permit or certificate to sell or  
45 provide the merchandise being offered through telemarketing;  
46 and

47 b. The entity is required by law or rule to develop  
48 and maintain a no-call list;

49 (e) By a natural person responding to a referral, or  
50 working from his or her primary residence, or a person  
51 licensed by the state of Missouri to carry out a trade,  
52 occupation or profession who is setting or attempting to set  
53 an appointment for actions relating to that licensed trade,  
54 occupation or profession within the state or counties  
55 contiguous to the state.

407.1098. No person or entity shall make or cause to  
2 be made any telephone solicitation, **including via call**  
3 **spoofing**, to any **business subscriber or** residential  
4 subscriber in this state who has given notice to the  
5 attorney general, in accordance with rules promulgated  
6 pursuant to section 407.1101 of such subscriber's objection  
7 to receiving telephone solicitations.

407.1101. 1. The attorney general shall establish and  
2 provide for the operation of a database to compile a list of  
3 telephone numbers of **business subscribers and** residential  
4 subscribers who object to receiving telephone  
5 solicitations. [Such list is not intended to include any  
6 telephone number primarily used for business or commercial  
7 purposes.]

8           2. The attorney general shall promulgate rules and  
9 regulations governing the establishment of a state no-call  
10 database as he or she deems necessary and appropriate to  
11 fully implement the provisions of sections 407.1095 to  
12 407.1110. The rules and regulations shall include those  
13 which:

14           (1) Specify the methods by which each **business**  
15 **subscriber or** residential subscriber may give notice to the  
16 attorney general or its contractor of his or her objection  
17 to receiving such solicitations or revocation of such  
18 notice. There shall be no cost to the subscriber for  
19 joining the database;

20           (2) Specify the length of time for which a notice of  
21 objection shall be effective and the effect of a change of  
22 telephone number on such notice;

23           (3) Specify the methods by which such objections and  
24 revocations shall be collected and added to the database;

25           (4) **Specify that once a person gives notice of**  
26 **objection, the person shall not have to renew his or her**  
27 **objection;**

28           (5) Specify the methods by which any person or entity  
29 desiring to make telephone solicitations will obtain access  
30 to the database as required to avoid calling the telephone  
31 numbers of **business subscribers or** residential subscribers  
32 included in the database, including the cost assessed to  
33 that person or entity for access to the database; **and**

34           [(5)] (6) Specify such other matters relating to the  
35 database that the attorney general deems desirable.

36           3. If the Federal Communications Commission  
37 establishes a single national database of telephone numbers  
38 of subscribers who object to receiving telephone  
39 solicitations pursuant to 47 U.S.C. Section 227(c)(3), the

40 attorney general shall include that part of such single  
41 national database that relates to Missouri in the database  
42 established pursuant to this section.

43 4. Information contained in the database established  
44 pursuant to this section shall be used only for the purpose  
45 of compliance with section 407.1098 and this section or in a  
46 proceeding or action pursuant to section 407.1107. Such  
47 information shall not be considered a public record pursuant  
48 to chapter 610.

49 5. In April, July, October and January of each year,  
50 the attorney general shall be encouraged to obtain  
51 subscription listings of **business subscribers and**  
52 residential subscribers in this state who have arranged to  
53 be included on any national do-not-call list and add those  
54 telephone numbers to the state do-not-call list.

55 6. The attorney general may utilize moneys  
56 appropriated from general revenue and moneys appropriated  
57 from the merchandising practices revolving fund established  
58 in section 407.140 for the purposes of establishing and  
59 operating the state no-call database.

60 7. Any rule or portion of a rule, as that term is  
61 defined in section 536.010, that is created under the  
62 authority delegated in sections 407.1095 to 407.1110 shall  
63 become effective only if it complies with and is subject to  
64 all of the provisions of chapter 536 and, if applicable,  
65 section 536.028. This section and chapter 536 are  
66 nonseverable and if any of the powers vested with the  
67 general assembly pursuant to chapter 536 to review, to delay  
68 the effective date or to disapprove and annul a rule are  
69 subsequently held unconstitutional, then the grant of  
70 rulemaking authority and any rule proposed or adopted after  
71 August 28, 2000, shall be invalid and void.



407.1104. 1. Any person or entity who makes a  
2 telephone solicitation to any **business subscriber or**  
3 residential subscriber in this state shall, at the beginning  
4 of such solicitation, state clearly the identity of the  
5 person or entity initiating the solicitation.

6 2. No person or entity who makes a telephone  
7 solicitation to a **business subscriber or** residential  
8 subscriber in this state shall knowingly use any method,  
9 **including call spoofing**, to block or otherwise circumvent  
10 any subscriber's use of a caller identification service.

407.1115. 1. **This section shall be known and may be**  
2 **cited as the "Caller ID Anti-Spoofing Act".**

3 2. **As used in this section, the following terms mean:**

4 (1) **"Call"**, any telephone call, facsimile, or text  
5 message made using a public switched telephone network,  
6 wireless cellular telephone service, or voice-over-internet  
7 protocol (VoIP) service that has the capability of accessing  
8 users on the public switched telephone network or a  
9 successor network;

10 (2) **"Caller"**, a person or entity who places a call,  
11 facsimile, or text message, whether by phone or computer;

12 (3) **"Caller identification information"**, information  
13 provided by a caller identification service regarding the  
14 telephone number or other origination information of a call  
15 or facsimile transmission made using a telecommunications  
16 service or an interconnected VoIP service or of a text  
17 message sent using a text-messaging service;

18 (4) **"Caller identification service"**, any service or  
19 device designed to provide the user of the service or device  
20 with the telephone number or other origination information  
21 of a call or facsimile transmission made using a  
22 telecommunications service or an interconnected VoIP service

23 or of a text message sent using a text messaging service.  
24 "Caller identification service" includes automatic number  
25 identification services.

26 3. A caller commits the offense of caller  
27 identification spoofing if the caller:

28 (1) Enters or causes to be entered false information  
29 into a caller identification service with the malicious  
30 intent to deceive, defraud, or mislead the recipient of a  
31 call; or

32 (2) Places a call knowing that false information was  
33 entered into the caller identification service with the  
34 intent to deceive, defraud, or mislead the recipient of the  
35 call.

36 4. The first offense of caller identification spoofing  
37 shall be a class C misdemeanor. The second and any  
38 subsequent offense shall be a class A misdemeanor.

39 5. This section shall not apply to:

40 (1) The blocking of caller identification information;

41 (2) Any law enforcement agency of the federal, state,  
42 county, or municipal government;

43 (3) Any intelligence or security agency of the federal  
44 government; or

45 (4) A communications service provider, including a  
46 telecommunications, broadband, or voice-over-internet  
47 service provider that:

48 (a) Acts in the communications service provider's  
49 capacity as an intermediary for the transmission of  
50 telephone service between the caller and the recipient;

51 (b) Provides or configures a service or service  
52 feature as requested by the customer;

53 (c) Acts in a manner that is authorized or required by  
54 applicable law; or

55           (d) Engages in other conduct that is necessary to  
56 provide service.

57           6. The recipient of any call in which the caller uses  
58 false caller identification information shall have standing  
59 to recover actual and punitive damages against the caller.  
60 Punitive damages shall be in an amount determined by the  
61 court but not to exceed five thousand dollars per call.  
62 Call recipients may bring action under this section as  
63 members of a class. The attorney general may initiate legal  
64 proceedings or intervene in legal proceedings on behalf of  
65 call recipients and, if the caller is found guilty, shall  
66 recover all costs of the investigation and prosecution of  
67 the action.

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