



HOUSE BILL 934: AI Regulatory Reform Act.

2025-2026 General Assembly

Committee:	House Regulatory Reform. If favorable, re- refer to Judiciary 3. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 29, 2025
Introduced by:	Reps. Johnson, Zenger, Hawkins, Alston	Prepared by:	Chris Saunders
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *House Bill 934 would establish a new Class 1 misdemeanor for the offense of unlawful distribution of a deepfake and a corresponding civil cause of action. This act would also provide that the developer of an artificial intelligence (AI) product is not liable for damages to the client of a "learned professional" resulting from errors generated by the AI product.*

CURRENT LAW: In 2024, the General Assembly enacted several statutes to protect individuals against certain computer-generated images, primarily in the realm of obscene or sexual images.

- [G.S. 14-190.5A](#) provides criminal and civil penalties for the disclosure of private images, was amended in 2024 to include in the definition of "image": "A photograph, film, videotape, recording, live transmission, digital or computer-generated visual depiction, including a realistic visual depiction created, adapted, or modified by technological means, including algorithms or artificial intelligence, such that a reasonable person would believe the image depicts an identifiable individual . . ."
- [G.S. 14-202.7](#) criminalizes threatening to disclose or refusing to remove previously disclosed private images (sexual extortion) and includes in the definition images generated by artificial intelligence.
- [G.S. 14-190.17C](#) criminalizes obscene visual representation of sexual exploitation of a minor and the definition of "material" for that section was amended in 2024 to include AI-generated images ([G.S. 14-190.13](#)).

BILL ANALYSIS:

Section 1 of House Bill 934 would define the term "deepfake" as "an image or audio or video recording that has been created with the intent to deceive and that appears to depict a natural person speaking or acting in a manner that the person did not actually speak or act."

This section would make it a Class 1 misdemeanor for a person to, without the affirmative consent of the depicted individual, knowingly (i) create a deepfake with intent to distribute the deepfake, (ii) distribute a deepfake, or (iii) solicit the creation of a deepfake with the intent to distribute the deepfake for the purpose of harassing, extorting, threatening, or causing physical, emotional, reputational, or economic harm to an individual falsely depicted or injuring a candidate for elected office or influencing an election. A court could order the destruction of any deepfake made in violation of this section in addition to any other penalty or damages.

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578

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This section would also create a civil cause of action for any person aggrieved by the criminal acts provided above, and would allow the person to recover any of the following from a person who creates or distributes the deepfakes:

- Actual damages, but not less than liquidated damages, to be computed at the rate of \$1,000 for each time the deepfake is redistributed or in the amount of \$10,000, whichever is higher.
- Punitive damages.
- A reasonable attorney's fee and other litigation costs reasonably incurred.

This section would become effective December 1, 2025, and applies to offenses committed on or after that date.

Section 2 would immunize the developer of an AI product from liability arising from errors generated by the AI product when a learned professional uses the AI product in providing professional services to a client. The learned professional would be solely liable for any damage to the client resulting from errors generated by the AI product.

For purposes of this section, a "learned professional" is a licensed professional, with specialized education or training in a recognized profession and is bound by professional standards and a duty of care to clients, who exercises independent judgment in utilizing tools in the course of providing professional services and is expected to possess sufficient knowledge to evaluate the appropriateness, limitations, and risks of tools employed in his or her professional practice, including AI products, as they pertain to a specific client matter.

This section would become effective December 1, 2025, and would apply to acts or omissions occurring on or after that date.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.