

**Department of Planning and Budget  
2025 General Assembly Session  
State Fiscal Impact Statement**

---

**PUBLISHED: 2/10/2025 11:22 AM**

**REVISED**

**Bill Number:** SB 775S2

**Patron:** Surovell

**Bill Title:** Elections; election offenses; dissemination of artificial audio or artificial visual media to influence an election; penalty.

**Bill Summary:** Prohibits any person from disseminating artificial audio or artificial visual media, as defined in the bill, intended to influence a political campaign that such person knows or should have known is deceptive or misleading. The bill provides that such prohibition shall not apply if such media includes a conspicuous statement that states "THIS MEDIA DOES NOT REPRESENT A TRUE RECORDING OF THE CANDIDATE" either for the duration of a visual media or a verbal reading of such statement at the beginning of audio media. The bill provides that any person who fails to include such statement shall be subject to a civil penalty not to exceed \$50, but if such person disseminates such artificial audio or artificial visual media being disseminated (i) takes place within 90 days before an election, (ii) is made without the consent of the depicted candidate, and (iii) is made with the intent to injure a candidate or influence the result of an election, such person is guilty of a Class 1 misdemeanor. The bill also provides that any (a) depicted individual, (b) candidate for office who has been injured or is likely to be injured by the distribution of artificial audio or artificial visual media, or (c) entity that represents the interests of voters likely to be deceived by such dissemination shall be entitled to institute an action in the circuit court of the locality where venue would be proper for the prosecution of computer crimes for preventative relief, including an application for a permanent or temporary injunction, restraining order, or other order, against the person who has disseminated the artificial audio or artificial visual media. The bill also provides exceptions for certain content, including when such content constitutes satire or parody.

**Budget Amendment Necessary:** No

**Items Impacted:** N/A

**Explanation:** No

**Fiscal Summary:** There is an indeterminate state fiscal impact due to the provisions of this bill. The bill stipulates that any person who knowingly violates the provisions of § 24.2-1005.1:1 is guilty of a Class 2 or Class 1 misdemeanor.

**Fiscal Analysis:** There is an indeterminate state fiscal impact due to the provisions of this bill. The bill establishes a Class 1 misdemeanor and a \$50 civil penalty under § 24.2-1005.1:1. A person convicted of a Class 1 misdemeanor could face up to 12 months in jail, a fine of up to \$2,500, or both. A person can be fined with a \$50 civil penalty if the person disseminates artificial audio without labeling the media item "THIS MEDIA DOES NOT REPRESENT A TRUE RECORDING OF THE CANDIDATE". If such dissemination occurs (i) within 90 days before an election, (ii) is made without the consent of the depicted candidate, and (iii) is made with the intent to injure a candidate or influence the result of an election, such person is guilty of a Class 1 misdemeanor.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth

**Department of Planning and Budget**  
**2025 General Assembly Session**  
**State Fiscal Impact Statement**

---

currently pays localities \$5.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

**Other:** N/A