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HOUSE BILL 141

**57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

INTRODUCED BY

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AN ACT

RELATING TO DIGITAL TECHNOLOGY; ENACTING THE ARTIFICIAL  
INTELLIGENCE ACCOUNTABILITY ACT; MANDATING PROVISION OF TOOLS  
FOR DISCLOSURE OF SYNTHETIC CONTENT; REQUIRING LATENT  
IDENTIFICATION OF SYNTHETIC CONTENT; PROHIBITING DISSEMINATION  
OF DECEPTIVE SYNTHETIC CONTENT; PROVIDING FOR CIVIL  
INVESTIGATION AND ENFORCEMENT; ESTABLISHING CIVIL AND CRIMINAL  
LIABILITY; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1  
through 9 of this act may be cited as the "Artificial  
Intelligence Accountability Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Artificial Intelligence Accountability Act:

A. "artificial intelligence" means an engineered or

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1 machine-based system that varies in its level of autonomy and  
2 that can, for explicit or implicit objectives, infer from the  
3 input that it receives how to generate outputs that can  
4 influence physical or virtual environments;

5 B. "capture device" means a device that can record  
6 photographs, audio or video content, including video and still  
7 photography cameras, mobile phones with built-in cameras or  
8 microphones and voice recorders;

9 C. "capture device manufacturer" means a person  
10 that produces a capture device for sale in the state; provided  
11 that "capture device manufacturer" does not include a person  
12 exclusively engaged in the assembly of a capture device;

13 D. "covered provider" means a person that provides  
14 a consumer-facing online service, application programming  
15 interface, website or mobile application that allows users to  
16 generate or substantially modify content, including images,  
17 audio, video or any combination of those, with a generative  
18 artificial intelligence system and that has more than two  
19 million active monthly users within the United States and is  
20 publicly accessible within the geographic boundaries of the  
21 state;

22 E. "deceptive synthetic content" means synthetic  
23 content that:

24 (1) realistically depicts conduct that the  
25 depicted person did not engage in;

1 (2) makes the depicted person identifiable;  
2 (3) was disseminated without the consent of  
3 the depicted person; and

4 (4) would be believed to be authentic by a  
5 reasonable person;

6 F. "depicted person" means a natural person  
7 depicted in synthetic content;

8 G. "digital signature" means a cryptography-based  
9 method that identifies the user or entity that attests to the  
10 information provided in the signed section;

11 H. "dissemination" means an act of sharing,  
12 including:

13 (1) posting or uploading content to a public  
14 or semi-public platform or service;

15 (2) distributing, sending or sharing content  
16 with one or more persons via electronic, digital or physical  
17 means; or

18 (3) otherwise making content accessible to  
19 others in a manner reasonably expected to cause it to be  
20 viewed, accessed or received;

21 I. "established standards-setting body" means an  
22 organization, institution, governmental agency or other person  
23 that is widely accepted commercially and advances measurement  
24 science, technical standards and technology;

25 J. "generative artificial intelligence system"

1 means an artificial intelligence that can generate derived  
2 synthetic content, including text, images, video and audio,  
3 that emulates the structure and characteristics of the system's  
4 training data;

5 K. "large online platform" means a public-facing  
6 social media platform, file-sharing platform, mass messaging  
7 platform or stand-alone search engine that disseminates  
8 synthetic content to users and has more than two million active  
9 monthly users within the United States; provided that "large  
10 online platform" does not include a broadband internet access  
11 service or a telecommunications service as defined under  
12 federal law;

13 L. "latent" means present but not manifest;

14 M. "manifest" means easily perceived, understood or  
15 recognized by a person;

16 N. "metadata" means structural or descriptive  
17 information about data;

18 O. "personal information" means information that  
19 identifies, relates to, describes or is reasonably capable of  
20 being associated with an identifiable person;

21 P. "personal provenance data" means provenance data  
22 that does not include information contained within a digital  
23 signature and that either contains:

24 (1) personal information; or

25 (2) unique device, system or service

1 information reasonably capable of being associated with a  
2 particular user;

3 Q. "provenance data" means data embedded into  
4 digital content or included in metadata to verify the content's  
5 authenticity, origin or history of modification;

6 R. "synthetic content" means content that has been  
7 produced or significantly modified by a generative artificial  
8 intelligence system, including audio, visual or audiovisual  
9 media that could reasonably be perceived as authentic; and

10 S. "system provenance data" means provenance data  
11 that is not reasonably capable of being associated with a  
12 natural person and that describes:

13 (1) the type of device, system or service used  
14 to generate or modify content; and

15 (2) the date of public dissemination and the  
16 platform on which dissemination occurred.

17 SECTION 3. [NEW MATERIAL] GENERATIVE ARTIFICIAL  
18 INTELLIGENCE SYSTEM USE--DISCLOSURE REQUIREMENTS FOR COVERED  
19 PROVIDERS.--

20 A. A covered provider shall offer a user the option  
21 to include a manifest disclosure in synthetic content created  
22 or altered by the covered provider's generative artificial  
23 intelligence system that:

24 (1) identifies the content as generated by  
25 artificial intelligence;

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1 (2) is clear, conspicuous, appropriate for the  
2 medium and understandable to a reasonable person; and

3 (3) is permanent or extraordinarily difficult  
4 to remove, to the extent technically feasible.

5 B. A covered provider shall include a latent  
6 disclosure in synthetic content created or altered by the  
7 covered provider's generative artificial intelligence system  
8 that:

9 (1) conveys, to the extent technically  
10 feasible:

11 (a) the name of the covered provider;

12 (b) the name and version of the  
13 generative artificial intelligence system;

14 (c) the date and time of creation or  
15 alteration; and

16 (d) a unique identifier for the content;

17 (2) is detectable by a provenance detection  
18 tool;

19 (3) complies with provenance standards  
20 accepted by an established standards-setting body; and

21 (4) is permanent or extraordinarily difficult  
22 to remove.

23 C. A covered provider licensing the covered  
24 provider's generative artificial intelligence system to a third  
25 party shall require, by contract, continued compliance with

1 this section and shall revoke the license within ninety-six  
2 hours of discovering material noncompliance.

3 SECTION 4. [NEW MATERIAL] PROVENANCE DETECTION TOOL  
4 REQUIREMENTS FOR COVERED PROVIDERS.--

5 A. A covered provider shall make available at no  
6 cost a publicly accessible provenance detection tool that:

- 7 (1) allows users to read provenance data  
8 embedded in content;  
9 (2) reveals system provenance data only;  
10 (3) does not reveal personal provenance data;  
11 (4) supports uploads, uniform resource  
12 locators and integration with application programming  
13 interfaces; and  
14 (5) complies with standards adopted by an  
15 established standards-setting body.

16 B. A covered provider shall not retain content or  
17 personal provenance data submitted to the tool longer than  
18 reasonably necessary to comply with this section.

19 SECTION 5. [NEW MATERIAL] REQUIREMENTS FOR CAPTURE DEVICE  
20 MANUFACTURERS.--

21 A. A capture device manufacturer shall, for a  
22 capture device first produced for sale in the state on or after  
23 January 1, 2028:

- 24 (1) embed a latent disclosure by default that  
25 identifies the manufacturer, device model and version and date

1 and time of capture; and

2 (2) provide users the option to opt out of the  
3 latent disclosure.

4 B. To the extent technically feasible, compliance  
5 shall be aligned with standards accepted by an established  
6 standards-setting body.

7 SECTION 6. [NEW MATERIAL] REQUIREMENTS FOR LARGE ONLINE  
8 PLATFORMS.--

9 A. A large online platform shall:

10 (1) detect system provenance data in  
11 disseminated content;

12 (2) append the platform name and posting date  
13 to system provenance data;

14 (3) provide a user interface that discloses  
15 the available system provenance data;

16 (4) allow users to inspect, download or  
17 otherwise access to system provenance data; and

18 (5) provide a user interface for requesting  
19 that deceptive synthetic content be taken down and respond  
20 within seventy-two hours to those requests.

21 B. A large online platform shall not strip system  
22 provenance data or digital signatures that are compliant with  
23 standards set by an established standards-setting body.

24 C. A large online platform shall not be deemed to  
25 have knowingly disseminated deceptive synthetic content solely

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1 by reason of hosting content if it in good faith preserves  
2 provenance data, responds promptly to takedown requests and  
3 does not materially amplify deceptive synthetic content after  
4 receiving the request.

5 SECTION 7. [NEW MATERIAL] INVESTIGATION AND ENFORCEMENT  
6 BY THE ATTORNEY GENERAL--RULEMAKING.--

7 A. When there is reason to believe that a person  
8 may be in possession, custody or control of a document or other  
9 tangible object relevant to the subject matter of a civil  
10 investigation by the attorney general of a probable violation  
11 of the Artificial Intelligence Accountability Act, the attorney  
12 general may, before initiating a civil proceeding, execute in  
13 writing and cause to be served on the person a civil  
14 investigative demand that requires the person to answer written  
15 interrogatories under oath or to produce the document or object  
16 for inspection and copying.

17 B. The civil investigative demand shall not be a  
18 matter of public record and shall not be published by the  
19 attorney general except by order of the court.

20 C. Each civil investigative demand shall:

21 (1) state the general subject matter of the  
22 investigation;

23 (2) describe the classes of documentary  
24 material to be produced with reasonable certainty;

25 (3) prescribe the date on which material is to

1 be produced, which shall not be less than ten days after the  
2 date of service; and

3 (4) identify the member of the attorney  
4 general's staff to whom the documentary material is to be  
5 produced.

6 D. A civil investigative demand shall not:

7 (1) contain a requirement that would be  
8 unreasonable or improper if contained in a subpoena duces tecum  
9 issued by a court of this state;

10 (2) require the disclosure of testimony or  
11 documentary material that would be privileged or that for any  
12 other reason would not be required by a subpoena duces tecum  
13 issued by a court of this state; or

14 (3) require the removal of any documentary  
15 material from the custody of the person upon whom the demand is  
16 served except in accordance with the provisions of Subsection F  
17 of this section.

18 E. Service of the civil investigatory demand may be  
19 made by:

20 (1) delivering a duly executed copy to the  
21 person to be served, or if the person is not a natural person,  
22 to the statutory agent for the person or to any officer of the  
23 person;

24 (2) delivering a duly executed copy to the  
25 principal place of business in this state of the person to be

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1 served;

2 (3) mailing by registered or certified mail a  
3 duly executed copy addressed to the person to be served at the  
4 person's principal place of business in this state, or, if the  
5 person has no place of business in this state, to the person's  
6 principal office or place of business; or

7 (4) otherwise serving a duly executed copy in  
8 the manner required for service of process in this state.

9 F. Documentary material shall be produced for  
10 inspection and copying during normal business hours at the  
11 principal office or place of business of the person served or  
12 may be inspected and copied at other times and places as may be  
13 agreed upon by the person served and the attorney general.

14 G. Documentary material or answers to  
15 interrogatories produced pursuant to a civil investigatory  
16 demand or copies of documentary material or answers shall not  
17 be produced for inspection or copying by anyone other than an  
18 authorized employee or agent of the attorney general unless  
19 ordered by a court for good cause shown or upon agreement  
20 between the person served and the attorney general, nor shall  
21 the contents of the documentary material or answers be  
22 disclosed to anyone other than an authorized employee or agent  
23 of the attorney general or an authorized employee of a state or  
24 federal law enforcement agency or in a court in an action  
25 relating to a violation of state law.

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1           H. At any time before the return date of the civil  
2 investigatory demand, a petition to set aside the demand,  
3 modify the demand or extend the return date may be filed in the  
4 district court for Santa Fe county, and the court on a showing  
5 of good cause may set aside the demand, modify the demand or  
6 extend the return date of the demand.

7           I. After service of the civil investigative demand  
8 on a person, if the person neglects or refuses to comply with  
9 the demand, the attorney general may invoke the aid of the  
10 court in the enforcement of the demand. In appropriate cases,  
11 the court shall issue its order requiring the person to appear  
12 and produce the documentary material required in the demand and  
13 may, on failure of the person to comply with the order, punish  
14 the person for contempt.

15           J. This section is not applicable to criminal  
16 prosecutions.

17           K. Upon reasonable belief that there has been a  
18 violation of the Artificial Intelligence Accountability Act,  
19 the attorney general may bring an action in the name of the  
20 state to enforce the provisions of that act.

21           L. A person who violates the provisions of the  
22 Artificial Intelligence Accountability Act is liable for a  
23 civil penalty in the amount of fifteen thousand dollars  
24 (\$15,000) per violation, to be collected in a civil action  
25 filed by the attorney general on behalf of the state. In an

1 action brought pursuant to the Artificial Intelligence  
2 Accountability Act, the attorney general shall be entitled to  
3 all reasonable attorney costs and fees.

4 M. Each day that a covered provider, large online  
5 platform or capture device manufacturer is in violation of the  
6 Artificial Intelligence Accountability Act shall be deemed a  
7 separate violation.

8 N. The attorney general may promulgate rules to  
9 implement the provisions of the Artificial Intelligence  
10 Accountability Act.

11 SECTION 8. [NEW MATERIAL] DISSEMINATION OF DECEPTIVE  
12 SYNTHETIC CONTENT--CIVIL LIABILITY.--

13 A. A person shall be civilly liable for the  
14 dissemination of deceptive synthetic content when the person  
15 knows or recklessly disregards that the dissemination is  
16 reasonably likely to harass, entrap, defame, extort or  
17 otherwise cause financial or reputational harm to the depicted  
18 person.

19 B. A depicted person may request that a large  
20 online platform take down the deceptive synthetic content using  
21 the interface required pursuant to Section 6 of the Artificial  
22 Intelligence Accountability Act.

23 C. A person who contends that there has been a  
24 violation of the Artificial Intelligence Accountability Act has  
25 the right to pursue a private right of action in the district

1 court. This remedy is not exclusive and is in addition to any  
2 other remedies prescribed by law or available pursuant to  
3 common law.

4 D. A prevailing plaintiff may recover attorney fees  
5 and damages equal to the greater of one thousand dollars  
6 (\$1,000) per view of or instance of interaction with the  
7 deceptive synthetic content or actual damages.

8 E. It is not a defense that the generative  
9 artificial intelligence system acted autonomously or that the  
10 depicted person consented to the creation of the synthetic  
11 content or to the nonpublic dissemination of the synthetic  
12 content.

13 F. This section does not apply to the dissemination  
14 of deceptive synthetic content if the dissemination is made as  
15 part of lawful law enforcement activity; legal proceedings;  
16 medical or mental health treatment; lawful sale of goods or  
17 services with the commercially obtained full consent of the  
18 depicted person; or satire, parody, criticism, commentary,  
19 teaching, scholarship, research, education or news reporting  
20 where a reasonable person would not believe the synthetic  
21 content to accurately represent the depicted person's speech or  
22 conduct.

23 G. In a civil action filed pursuant to this  
24 section, the court may issue an order to protect the privacy of  
25 the plaintiff, including protection by:

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1 (1) allowing the plaintiff to use a pseudonym  
2 in any documents filed in the action that will be publicly  
3 available;

4 (2) requiring the parties to the action to  
5 redact all of the plaintiff's personal identifying information  
6 from any documents filed in the action that will be publicly  
7 available or to file such documents under seal; or

8 (3) issuing a protective order for purposes of  
9 discovery in the action, which may include an order indicating  
10 that any intimate visual depiction or digital forgery shall  
11 remain in the care, custody and control of the court.

12 SECTION 9. [NEW MATERIAL] EXEMPTIONS.--The Artificial  
13 Intelligence Accountability Act does not apply to a product,  
14 service, internet website or application that provides  
15 exclusively non-user-generated video game, television,  
16 streaming, movie or interactive experiences.

17 SECTION 10. A new section of Chapter 31, Article 18 NMSA  
18 1978 is enacted to read:

19 "[NEW MATERIAL] USE OF GENERATIVE ARTIFICIAL  
20 INTELLIGENCE--ALTERATION OF BASIC SENTENCE.--When a separate  
21 finding of fact by the district court or a jury shows that a  
22 generative artificial intelligence system was used to assist in  
23 the commission of a noncapital felony, the basic sentence of  
24 imprisonment prescribed for the offense in Section 31-18-15  
25 NMSA 1978 shall be increased by one year and the sentence

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1 imposed by this section shall be the first year served and  
2 shall not be suspended or deferred."

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