

LFC Requester:	Lance Chilton
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared:	<u>2/24/2025</u>	<i>Check all that apply:</i>
Bill Number:	<u>HB 221</u>	Original <input checked="" type="checkbox"/> Correction <input type="checkbox"/>
		Amendment <input type="checkbox"/> Substitute <input type="checkbox"/>
Sponsor: Tara L. Lujan and Joseph L. Sanchez and Cynthia Borrego		
Short Title:	Voice and Visual Likeness Rights Act	Agency Name and Code Number: 790 – Department of Public Safety
		Person Writing: <u>Kent Augustine</u>
		Phone: <u>505-709-5264</u> Email: <u>kent.augustine@dps.nm.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Relating to Intellectual Property. Creates the Voice and Visual Likeness Rights Act, to address the contemporary issue of digital manipulation of sound and images known as “deepfakes.” Creates a “digital replication right, which is an individual’s exclusive property right in their voice or visual likeness; and allows a person to license its use and to transfer the right with terms and conditions. Provides in detail for the legal conditions attaching to a license, including protections for minors and provisions for post-mortem survival of the right; and provides for civil actions to remedy unlicensed use, including injunctive relief and punitive damages for malicious use.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

No fiscal impact to DPS.

PERFORMANCE IMPLICATIONS

This bill would help protect individuals from exploitation, identity theft, and malicious uses of their likeness, which are growing concerns in the digital age. With the rise of technologies like deepfakes and AI-generated content, ensuring that people have control over the use of their voices and likenesses is critical for their safety and personal security. This law would empower individuals to protect their identities from being misused in unauthorized ways that could harm their reputation, safety, or privacy.

It also provides clear avenues for individuals to take action through civil suits and remedies, giving them the ability to safeguard their digital persona. The law’s provision for civil action against unauthorized digital replicas would help prevent various crimes associated with identity theft, cyberstalking, and other malicious acts. By making it easier for individuals to protect their likenesses, the law indirectly contributes to reducing crime, especially cybercrimes that involve manipulating or fabricating individuals' voices and images.

The law also introduces specific protections for minors, who may not be able to fully understand the implications of licensing their likeness or voice. The requirement for parental or guardian consent and court approval ensures that minors are not exploited.

ADMINISTRATIVE IMPLICATIONS

No fiscal impact to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.