



Vote Alert for HB 149

Dear Legislator,

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending free speech, urges you to vote "No" on [HB 149](#). This bill regulates AI-related speech with vague and overbroad provisions that threaten Texans' First Amendment rights.

Among these provisions is Section 552.052, which prohibits the development or deployment of an AI system to "encourage" a person to "commit physical self-harm, including suicide," "harm another person," or "engage in criminal activity." Another provision, Section 552.055, prohibits the development or deployment of an AI system with the "sole intent" to "impair" the exercise of a constitutional right.

These standards are impermissibly vague and subjective. There is no universal definition or understanding of "harm," what suffices as intent to "encourage" another's misconduct, or what it would mean for a private party to develop an AI system for the purpose of "impairing" a constitutional right. This vagueness is problematic in two ways. First, citizens will be unsure of what is prohibited, and therefore self-censor whenever their expression may plausibly run afoul of these terms. Second, vagueness invites expansive and subjective enforcement against speech the government wants to silence.

These broad prohibitions threaten lawful, valuable, and constitutionally protected uses of AI as an expressive tool. Were this bill to become law, core protected expressive activity like writing fiction, publishing political satire, or even utilizing apps to organize protests or letter-writing campaigns could face prosecution simply because they're created using AI tools.

In addition to imposing unconstitutional burdens on protected speech, the bill would grant the government sweeping authority over which AI tools can be created or deployed in Texas, raising additional First Amendment concerns.

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FIRE urges the Senate to reject HB 149 and protect freedom of expression.

If you have any questions, please feel free to email me at john.coleman@thefire.org or call 215-717-3473.

Regards,

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