General Assembly

Substitute Bill No. 5421

February Session, 2024

AN ACT CONCERNING UNLAWFUL DISSEMINATION OF INTIMATE IMAGES THAT ARE DIGITALLY ALTERED OR CREATED THROUGH THE USE OF ARTIFICIAL INTELLIGENCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1   Section 1. Section 53a-189c of the general statutes is repealed and the
2   following is substituted in lieu thereof (*Effective October 1, 2024*):

3   (a) A person is guilty of unlawful dissemination of an intimate image
4   when (1) such person intentionally disseminates by electronic or other
5   means a photograph, film, videotape or other recorded image, including
6   any digitally altered image or image created through the use of artificial
7   intelligence that depicts the likeness of a person, of (A) the genitals,
8   pubic area or buttocks of another person with less than a fully opaque
9   covering of such body part, or the breast of such other person who is
10   female with less than a fully opaque covering of any portion of such
11   breast below the top of the nipple, or (B) another person engaged in
12   sexual intercourse, as defined in section 53a-193, (2) such person
13   disseminates such image without the consent of such other person,
14   knowing that such other person understood that the image would not
15   be so disseminated, and (3) such other person suffers harm as a result of
16   such dissemination.

17   (b) For purposes of this **[**subsection, "disseminate"**]** section:

18   (1) "Disseminate" means to sell, give, provide, lend, trade, mail,
19   deliver, transfer, publish, distribute, circulate, present, exhibit, advertise
20   or otherwise offer; **[**, and "harm"**]**

21   (2) "Harm" includes, but is not limited to, subjecting such other
22   person to hatred, contempt, ridicule, physical injury, financial injury,
23   psychological harm or serious emotional distress;

24   (3) "Likeness of a person" means an image that closely resembles a
25   living, identifiable person; and

26   (4) "Artificial intelligence" means any technology, including, but not
27   limited to, machine learning, that uses data to train an algorithm or
28   predictive model for the purpose of enabling a computer system or
29   service to autonomously perform any task, including, but not limited to,
30   visual perception, language processing or speech recognition, that is
31   normally associated with human intelligence or perception.

32   **[**(b)**]** (c) The provisions of subsection (a) of this **[**subsection**]** section
33   shall not apply to:

34   (1) Any image described in subsection (a) of this section of such other
35   person if such image resulted from voluntary exposure or engagement
36   in sexual intercourse by such other person, in a public place, as defined
37   in section 53a-181, or in a commercial setting;

38   (2) Any image described in subsection (a) of this section of such other
39   person, if such other person is not clearly identifiable, unless other
40   personally identifying information is associated with or accompanies
41   the image; or

42   (3) Any image described in subsection (a) of this section of such other
43   person, if the dissemination of such image serves the public interest.

44   **[**(c)**]** (d) Unlawful dissemination of an intimate image to (1) a person
45   by any means is a class A misdemeanor, and (2) more than one person
46   by means of an interactive computer service, as defined in 47 USC 230,
47   an   information   service,   as   defined   in   47   USC   153,   or   a

48 telecommunications service, as defined in section 16-247a, is a class D
49 felony.

50 **[**(d)**]** <u>(e)</u> Nothing in this section shall be construed to impose liability
51 on the provider of an interactive computer service, as defined in 47 USC
52 230, an information service, as defined in 47 USC 153, or a
53 telecommunications service, as defined in section 16-247a, for content
54 provided by another person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2024*	53a-189c

Statement of Legislative Commissioners:
In Subsec. (b), the subdivisions were renumbered for accuracy.

JUD   *Joint Favorable Subst. -LCO*