



Sectional Analysis

CS for House Bill 47 (34-LS0334\G. A)

GENERATED OBSCENE CHILD SEX ABUSE MATERIAL

"An Act relating to distribution of a forged digital likeness; relating to crime and criminal procedure; relating to distribution of a generated sexual depiction; relating to generated obscene child sexual abuse material; relating to teaching certificates; relating to licensing of school bus drivers; relating to civil penalties for an organization that facilitates the generation of child sexual abuse material; relating to social media and minors; and providing for an effective date."

An Act relating to:

- Distribution of a **forged digital likeness** (deepfakes)
- Distribution of a **generated sexual depiction** (non-consensual adult deepfake porn)
- **Generated obscene child sexual abuse material** (AI-generated CSAM)
- Teaching certificates and school bus driver licensing
- Civil penalties for organizations facilitating generated CSAM
- Social media use by minors (**Alaska Social Media Regulation Act**)
- Crime, criminal procedure, and providing for an effective date.

The bill started as a narrow fix for AI-generated child sexual abuse material but was significantly expanded on the House floor with adult deepfake protections and strict social media rules for minors.

Key Sections Summary

Section 1: New Crime – Distribution of a Forged Digital Likeness (AS 11.46.575) Creates a **Class A misdemeanor** for knowingly distributing an AI-generated or altered visual/audio representation of an identifiable real person if done with intent to defraud, harass, threaten, or intimidate, and the person knows or should know it is inauthentic. Strong exceptions protect parody, satire, news, education, art, and public interest speech. Internet service providers and platforms are generally not liable for third-party content. **Purpose:** Targets harmful deepfakes used for misinformation, scams, or revenge.

Section 2: New Crime – Distribution of a Generated Sexual Depiction (AS 11.61.117) Creates a **Class A misdemeanor** for knowingly distributing (or threatening to distribute) a generated or manipulated image showing an identifiable person's genitals, anus, female breast, or engaged in a sexual act, if done with reckless disregard for potential physical, emotional, reputational, or economic harm. A disclaimer that the image is "fake" is **not** a defense. **Purpose:** Criminalizes non-consensual adult "deepfake porn" and AI revenge pornography.

Section 3 & 4: Updates to Harassment Statutes (AS 11.61.118 & 11.61.120) Conforming amendments that incorporate the new adult deepfake and generated sexual depiction crimes into first- and second-degree harassment laws, with appropriate cross-references and exceptions.

Sections 5–8: Core Generated Obscene Child Sexual Abuse Material Crimes

- **AS 11.61.121 – Distribution** of generated obscene CSAM (AI/manipulated images depicting an apparent child under 18 in sexual conduct that meets the Miller obscenity test): **Class B felony** (upgraded to Class A with prior conviction). Possession of 100+ items creates a presumption of intent to distribute.
- **AS 11.61.122 – Possession** of such material: **Class C felony**.
- Updates real CSAM statutes (AS 11.61.125–127) to better cover sophisticated AI manipulations of actual children.
- Includes good-faith exemptions for internet service providers and researchers. **Purpose:** Closes the loophole for AI-generated child sexual abuse material, treating it similarly to real CSAM.

Sections 9–22: Integration into Broader Criminal and Civil Statutes These sections plug the new crimes (both child CSAM and adult deepfakes where relevant) into existing law, including:

- No statute of limitations for distribution offenses.
- No suspended sentences or deferred judgments for these crimes.
- Enhanced presumptive sentencing ranges and consecutive sentencing.
- Sex-offender probation conditions (polygraphs, internet restrictions, no contact with minors).
- Lifetime revocation of teaching certificates and disqualification from school bus driver licenses.
- Forfeiture of property, administrative subpoenas for ISP records, and public juvenile hearings/disclosure for distribution cases.

Section 23: Civil Penalties for Organizations (New AS 45.50.620) Imposes a **\$1,000,000 civil penalty per instance** on any organization or AI platform/provider if its tool/system is used to generate obscene child sexual abuse material. **Purpose:** Holds AI companies and platforms accountable for enabling child exploitation.

Section 24: Alaska Social Media Regulation Act (New AS 45.50.650 – Article 5A) Major expansion added via floor amendments. Key provisions for minors under 18:

- Requires age verification + written parental/guardian consent to create or use social media accounts.
- Parents/guardians receive full access to monitor the minor’s account, messages, and activity.
- Bans targeted/personalized advertising and algorithmic content feeds for minors.
- Prohibits addictive design features (e.g., infinite scroll, push notifications exploiting vulnerabilities).
- Default statewide curfew: No social media use from **10:30 p.m. to 6:30 a.m.** (parents can override).
- Enforcement via Attorney General civil actions (injunctions + up to \$10,000 per violation) and private right of action for damages.

Sections 25–27: Juvenile and Mandatory Reporting Updates Opens certain juvenile hearings and records for generated CSAM distribution cases and adds related offenses to mandatory reporting requirements.

Sections 28–30: Uncodified Provisions & Effective Dates

- Requires Attorney General report on social media regulations by January 1, 2028.
- Criminal provisions apply prospectively (to conduct after effective date).

- Most provisions take effect immediately; social media rules delayed to **January 1, 2027**.

Overall Effect

This version of HB 47 combines:

- Strong felony penalties for **AI-generated child CSAM**,
- Misdemeanor protections against **adult deepfake harassment and porn**,
- Lifetime professional consequences for educators and school bus drivers, and
- One of the stricter state-level **social media restrictions for minors** in the U.S. (age-gating, parental access, anti-addiction measures, and curfew).