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STATE LAWS CRIMINALIZING AI-GENERATED OR COMPUTER-EDITED CSAM

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State Laws Criminalizing AI-generated or Computer-Edited Child Sexual Abuse Material (CSAM)

Research by ENOUGH ABUSE™ has documented that **37 states have enacted laws that criminalize AI-generated or computer-edited CSAM, while 13 states and D.C. have not**. More than half of these laws were enacted in 2024 alone. This reflects strong concern by legislators and advocates about the significant increase in the creation, production and dissemination of these child exploitation materials. The National Center for Missing and Exploited Children (NCMEC) reports that in 2023 alone, it received 4,700 reports of CSAM involving generative AI technology.

AI or computer-generated CSAM poses many dangers to children, including:

- Perpetrators can now generate, alter or collage depictions of children that are indistinguishable from depictions of real children.
- They can use parts of images of real children to create a composite image that is unidentifiable as a particular child, and in a way that prevents even an expert from concluding that parts of images of real children were used.
- They disguise pictures of real children being abused by making the image look computer-generated.
- Sexually explicit depictions involving children—even if no physical abuse occurs during their creation—has significant psychological and long-term impacts on the children depicted.
- Artificially-generated or computer-edited CSAM further re-victimizes actual child victims, as their images are collected from the Internet and studied by artificial intelligence tools to create new images.
- Child predators can also use artificially-generated or computer-edited CSAM to extort minors and their families for financial gain.

Does your state criminalize AI-generated or computer-edited CSAM?

37 States DO have laws that criminalize AI-generated or computer-generated or modified CSAM:

Alabama, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming

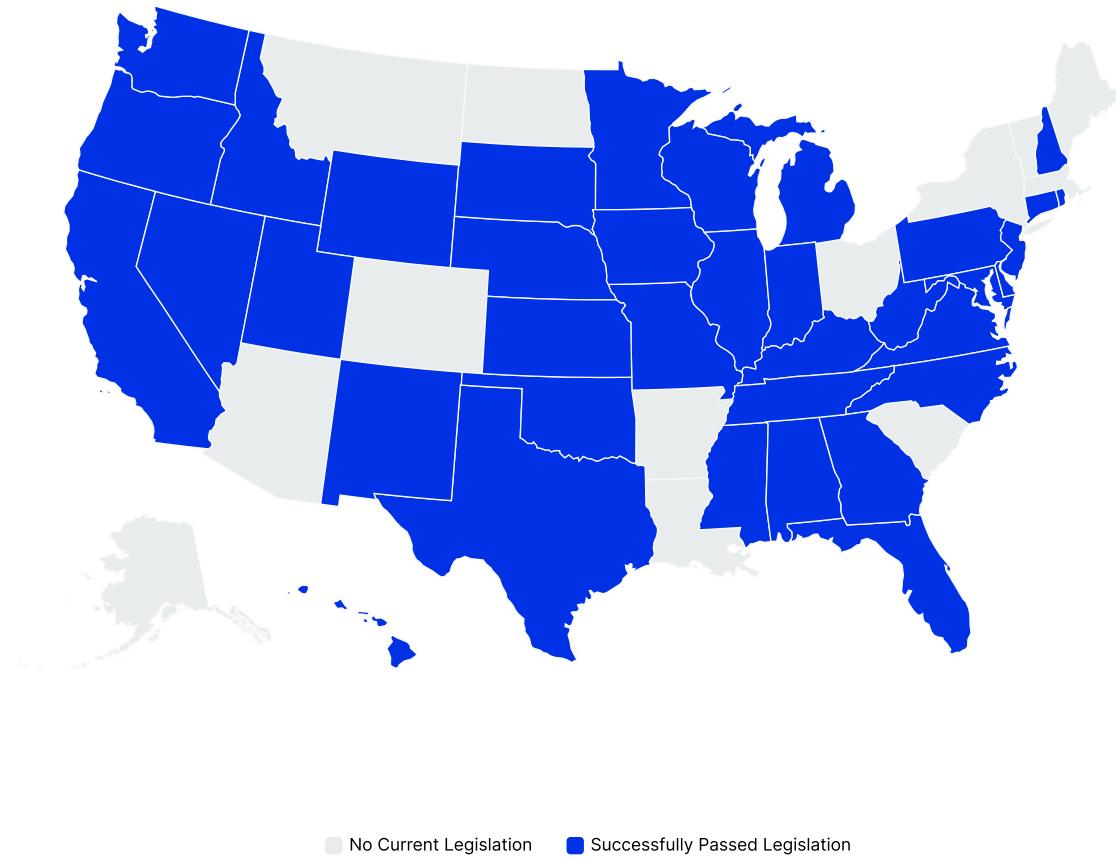
13 States (and D.C.) DON'T include AI or computer-generated images in their CSAM (or child pornography) statutes:

Alaska, Arkansas, Arizona, Colorado, Louisiana, Maine, Massachusetts, Montana, New York, North Dakota, Ohio, South Carolina, Vermont, and Washington D.C.

This map and the accompanying details provide the most accurate and up-to-date information available about each state's CSAM law and whether it criminalizes AI-generated or computer-edited CSAM. Blue states DO criminalize it and grey states do not yet criminalize it, as of Dec. 2024. Select a state to see how it defines CSAM and access a link to the state's CSAM law.

The various definitions of CSAM states have adopted in their statutes and the link to each state's statute can also be found here.

State Laws that Criminalize AI-generated or Computer-edited CSAM



LEGEND:

- **No Current Legislation:** The state's current child sexual abuse material laws do not include AI-generated or computer-edited CSAM
- **Successfully Passed Legislation:** The state has recently updated its definition of CSAM to include AI-generated or computer-edited visual materials.

Variations in State CSAM Laws

Some states have very detailed statutes that specifically criminalize AI-generated CSAM, such as California's. Other states have language that is similar, but does not include computer-generated images. For example, Colorado's statute defines sexually exploitative material as any photograph, motion picture or video, *“or other mechanically, electronically, chemically or digitally reproduced visual material”*. This doesn't qualify as criminalizing AI-generated CSAM because it just says, “reproduced” and not “produced” or “created”. Several states have similar language.

Nebraska's language is very similar to Colorado, but it goes a step further and specifically criminalizes computer-generated images. It states: *“digital image or computer displayed image,*

video or picture, whether made or produced by electronic, mechanical, computer or digital or other means."

We questioned whether this qualifies, since it is so close to the Colorado language, so we looked up whether any cases of AI-generated CSAM had been prosecuted. A man from Omaha, Nebraska, was prosecuted for transportation of CSAM, including AI-generated CSAM. A Kansas City Homeland security agent stated that "Such actions perpetuate the exploitation and abuse of innocent victims, and we will relentlessly pursue and prosecute those who engage in these activities."

That statement and the California and Alabama laws explain well why AI-generated CSAM is a problem that does involve real victims.

Many of these states specifically criminalize computer-generated CSAM if an image of an actual, identifiable child is used. However, some of them go even further to say that any image of a person who appears to be a minor under 18 involved in sexually activity is CSAM, and it doesn't have to be a real child. Some of the statutes don't specifically say "computer-generated" or "AI-generated", but they will say, "morphed or produced by electronic or other means."

Criminalization of "Deep Fake Nudes"

Some states have laws that criminalize the non-consensual sharing of deep fake nudes (sexual images created with AI to look like a real person) as harassment. Massachusetts passed such a law earlier this year: **"An Act to Prevent Abuse and Exploitation"**, H. 4744, criminalized revenge porn (the non-consensual sharing of another person's explicit images). Massachusetts was one of only 2 States that hadn't criminalized revenge porn. The Senate was able to add an amendment before it was passed that also criminalized the sharing of deep fake nudes created through "digitization", which is *"the creation or alteration of visual material, including, but not limited to through the use of computer-generated images in a manner that would falsely appear to a reasonable person to be an authentic representation of the person depicted."*

However, the Massachusetts and New York deep fake laws do not also amend their states' CSAM statutes to include AI or computer-generated CSAM. Sharing of deep fake nudes is only criminalized as harassment. The current Massachusetts CSAM statute does state that it includes "depictions by computer", but that does not go far enough, as there have been no prosecutions for AI or computer-generated CSAM in our state.

That is why ENOUGH ABUSE® has worked with Massachusetts State Representative Natalie Blais to introduce MA **HD.3605 – An Act protecting minors from the creation of computer-generated child sexual abuse visual materials**. To address the exponentially growing problem of online child sexual abuse material (CSAM), this bill would enable prosecution of people for developing and sharing sexually explicit images of children that are technologically edited, collaged, morphed or AI-generated. This bill was drafted with input by Enough Abuse®, which researched statutes in 37 states to date that have criminalized computer or AI-generated CSAM, as well as parents of survivors whose images have been used this way, and national policy experts at the National Center for Missing and Exploited Children.