

**HB168 ENGROSSED**



1 HB168

2 LRVFAWW-2

3 By Representatives Woods, Stadthagen, Underwood, Shedd,  
4 Crawford, Brinyark, Gidley, Lamb, Bolton, Starnes, Shaver,  
5 DuBose, Shaw, Shirey, Givens, Holk-Jones, Fidler, Stubbs,  
6 Colvin, Ingram, Carns, Bedsole, Treadaway, Estes, Stringer,  
7 Hammett, Faulkner, Hulsey, Wilcox, Wood (R), Simpson, Moore  
8 (P), Kiel, Rigsby, Butler, Harrison, Pettus, Sells, Hill,  
9 Mooney, Fincher, Rehm, Standridge, Whorton, Wood (D)

10 RFD: Judiciary

11 First Read: 14-Feb-24



## HB168 Engrossed

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A BILL  
TO BE ENTITLED  
AN ACT

Relating to child sexual abuse material; to amend Sections 13A-6-240, as last amended by Act 2023-464, 2023 Regular Session, 13A-12-190, 13A-12-191, 13A-12-192, 13A-12-193, 13A-12-194, 13A-12-196, 13A-12-197, and 13A-12-198, Code of Alabama 1975; to further provide for the age of a child for offenses involving child sexual abuse material; to provide for exceptions; to provide a cause of action for certain offenses involving child sexual abuse material; to provide for exceptions; to authorize a court to award punitive damages against an individual who commits certain offenses involving child sexual abuse material; to direct the State Board of Education to require local school boards to develop policies related to certain crimes; to repeal Section 13A-12-195, Code of Alabama 1975, relating to the commercial exploitation of child sexual abuse material; to make nonsubstantive, technical revisions to update the existing code language to current style; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the



## HB168 Engrossed

29 meaning of Section 111.05 of the Constitution of Alabama of  
30 2022.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

32 Section 1. This act shall be known and may be cited as  
33 the Alabama Child Protection Act of 2024.

34 Section 2. The Legislature finds and declares the  
35 following:

36 (1) Child pornography harms and debases the most  
37 defenseless of our residents.

38 (2) Child pornography is not entitled to protection  
39 under the First Amendment.

40 (3) The State of Alabama has a compelling state  
41 interest in protecting children from those who sexually  
42 exploit them, including both child molesters and child  
43 pornographers, and this interest extends to stamping out the  
44 vice of child pornography, also referred to as child sexual  
45 abuse material, at all levels in the distribution chain.

46 (4) The state thus has a compelling interest in  
47 ensuring that the criminal prohibitions against child sexual  
48 abuse material remain enforceable and effective.

49 (5) Artificially-generated child sexual abuse material  
50 is virtually indistinguishable from actual child sexual abuse  
51 material.

52 (6) With artificial technology, perpetrators can now  
53 computer-generate depictions of children that are  
54 indistinguishable from depictions of real children; use parts  
55 of images of real children to create a composite image that is  
56 unidentifiable as a particular child and in a way that



## HB168 Engrossed

57 prevents even an expert from concluding that parts of images  
58 of real children were used; and disguise pictures of real  
59 children being abused by making the image look  
60 computer-generated.

61 (7) Child sexual abuse material results from the abuse  
62 of real children by sex offenders. The production of child  
63 sexual abuse material is a byproduct of the sexual abuse of  
64 children. There is no evidence that the development of  
65 artificially-generated child sexual abuse material would stop  
66 or even reduce the sexual abuse of real children or the  
67 practice of visually recording that abuse.

68 (8) Artificially-generated child sexual abuse material  
69 re-victimizes actual child victims, as their images are  
70 collected from the Internet and studied by artificial  
71 intelligence tools to create new images.

72 (9) Artificially-generated child sexual abuse material  
73 whets the appetites of child molesters who may use the images  
74 to seduce children.

75 (10) The danger to children who are seduced and  
76 molested with the aid of child sexual abuse material is just  
77 as great when the child molester or child pornographer uses  
78 child sexual abuse material produced wholly or in part by  
79 electronic, mechanical, or other means as when the material  
80 consists of images of actual children engaged in sexually  
81 explicit conduct.

82 (11) Artificially-generated child sexual abuse material  
83 provides another means by which child pornographers can profit  
84 from child sexual abuse.



## HB168 Engrossed

85           (12) Because artificially-generated child sexual abuse  
86 material can be swiftly generated in bulk, law enforcement  
87 will often discover large amounts on seized devices,  
88 complicating investigations and interfering with efforts to  
89 identify and protect child victims and stop the dissemination  
90 of the material.

91           (13) Many criminal defendants argue that the images of  
92 child sexual abuse material they possess are not those of  
93 actual children, insisting that the state prove beyond a  
94 reasonable doubt that the images are not  
95 artificially-generated.

96           (14) In the absence of state legislative action, the  
97 difficulties the state has experienced in enforcing child  
98 pornography laws will continue to intensify and threaten to  
99 render unenforceable laws that protect actual children.

100           (15) Imposing an additional requirement that the state  
101 prove beyond a reasonable doubt that the defendant knew that  
102 the image was in fact an actual child, as some courts have  
103 done, threatens to result in the de facto legalization of the  
104 possession, receipt, and distribution of child sexual abuse  
105 material for all except the original producers of the  
106 material.

107           (16) To avoid this grave threat to the state's  
108 unquestioned compelling interest in effective enforcement of  
109 the sexual abuse laws that protect actual children, a statute  
110 must be adopted that prohibits a well-defined subcategory of  
111 images.

112           (17) For these reasons, actual and



## HB168 Engrossed

113 artificially-generated child sexual abuse material, which are  
114 virtually indistinguishable, must now be considered legally  
115 indistinguishable and subject to the criminal penalties  
116 provided in current law.

117 Section 3. Section 13A-6-240, as last amended by Act  
118 2023-464, 2023 Regular Session, Sections 13A-12-190,  
119 13A-12-191, 13A-12-192, 13A-12-193, 13A-12-194, 13A-12-196,  
120 13A-12-197, and 13A-12-198, Code of Alabama 1975, are amended  
121 to read as follows:

122 "§13A-6-240

123 (a) A person commits the crime of distributing a  
124 private image if he or she knowingly posts, emails, texts,  
125 transmits, or otherwise distributes a private image when the  
126 depicted ~~person~~ individual has not consented to the  
127 transmission and the depicted ~~person~~ individual had a  
128 reasonable expectation of privacy against transmission of the  
129 private image.

130 (b) (1) For purposes of this section, "private image"  
131 means a photograph, digital image, video, film, or other  
132 recording of ~~a person~~ an individual who is identifiable from  
133 the recording itself or from the circumstances of its  
134 transmission and who is engaged in any act of ~~sadomasochistic~~  
135 ~~abuse, sexual intercourse, sexual excitement, masturbation,~~  
136 ~~breast nudity, as defined in Section 13A-12-190, genital~~  
137 ~~nudity, or other sexual conduct~~ sexually explicit conduct, as  
138 defined in Section 13A-12-190.

139 (2) The term includes a recording that has been edited,  
140 altered, or otherwise manipulated from its original form.



## HB168 Engrossed

141 (c) (1) For purposes of this section, a "reasonable  
142 expectation of privacy" includes, but is not limited to,  
143 either of the following circumstances:

144 a. The ~~person~~individual depicted in the private image  
145 created it or consented to its creation believing that it  
146 would remain confidential.

147 b. The sexual conduct depicted in the image was  
148 involuntary.

149 (2) There is no reasonable expectation of privacy  
150 against the transmission of a private image made voluntarily  
151 in a public or commercial setting.

152 (d) It is a defense to distributing a private image if  
153 the distribution of the private image was made in the public  
154 interest, including, but not limited to, the reporting of  
155 unlawful conduct; the lawful and common practices of law  
156 enforcement, legal proceedings, or medical treatment; or a  
157 bona fide attempt to prevent further distribution of the  
158 private image.

159 (e) For the purposes of determining jurisdiction, the  
160 crime of distributing a private image shall be considered to  
161 be committed in any county in which any part of the crime took  
162 place, in the county of residence of the victim or defendant,  
163 or any county where the image is received.

164 (f) A violation of this section is a Class A  
165 misdemeanor. A subsequent adjudication or conviction under  
166 this section is a Class C felony.

167 (g) No Internet service provider, search engine, cloud  
168 service provider, or affiliate or subsidiary of any of the



## HB168 Engrossed

169 same, shall be held to have violated this section solely for  
170 providing access or connection to or from a website, other  
171 information or content on the Internet, or a facility, system,  
172 or network not under the control of the provider, including,  
173 but not limited to, the transmission, download, or  
174 intermediate storage of content that is child sexual abuse  
175 material."

176 "§13A-12-190

177 For the purposes of this division, the following terms  
178 ~~shall~~ have the following meanings ~~respectively ascribed to~~  
179 ~~them by this section:~~

180 ~~(1)~~ (4) DISSEMINATE. To transmit, distribute, sell,  
181 lend, provide, transfer, or show, including through electronic  
182 means.

183 ~~(2)~~ (3) DISPLAY PUBLICLY. The exposing, placing,  
184 posting, exhibiting, or in any fashion displaying in any  
185 location, whether public or private, an item in ~~such~~ a manner  
186 that it may be readily seen and its content or character  
187 distinguished by normal unaided vision viewing it from a  
188 public thoroughfare, depot, or vehicle.

189 ~~(3)~~ (9) PUBLIC THOROUGHFARE, DEPOT, OR VEHICLE. Any  
190 street, highway, park, depot, or transportation platform or  
191 other place, whether indoors or ~~out~~ outdoors, or any vehicle  
192 for public transportation, owned or operated by government,  
193 either directly or through a public corporation or authority,  
194 or owned or operated by any agency of public transportation  
195 that is designed for the use, enjoyment, or transportation of  
196 the general public.





## HB168 Engrossed

197           ~~(4)~~ (6) KNOWINGLY. A person knowingly ~~disseminates or~~  
198 ~~publicly displays obscene matter~~ acts when the person knows  
199 the nature of the ~~matter~~ child sexual abuse material. A person  
200 knows the nature of the ~~matter~~ material when either of the  
201 following circumstances exist:

202           a. The person is aware of the character and content of  
203 the ~~matter~~ material.

204           b. The person recklessly disregards circumstances  
205 suggesting the character and content of the ~~matter~~ material.

206           ~~(5)~~ (10) ~~SADO-MASOCHISTIC~~ SADOMASOCHISTIC ABUSE. ~~Such~~  
207 ~~term means either~~ Either of the following:

208           a. Flagellation or torture, for the purpose of sexual  
209 stimulation, by or upon ~~a person~~ an individual who is nude or  
210 clad in undergarments or in a revealing or bizarre costume.

211           b. The condition of ~~a person~~ an individual who is nude  
212 or clad in undergarments or in a revealing or bizarre costume  
213 being fettered, bound, or otherwise physically restrained for  
214 the purpose of sexual stimulation.

215           ~~(6)~~ (12) SEXUAL EXCITEMENT. The condition of human male  
216 or female genitals when in a state of sexual stimulation.

217           ~~(7)~~ (13) SEXUAL INTERCOURSE. Intercourse, real or  
218 simulated, whether genital-genital, oral-genital,  
219 anal-genital, or oral-anal, whether between ~~persons~~  
220 individuals of the same or opposite sex or between a human and  
221 an animal.

222           ~~(8)~~ (7) MASTURBATION. Manipulation, by hand or  
223 instrument, of the human genitals, whether one's own or  
224 another's for the purpose of sexual stimulation.



## HB168 Engrossed

225 ~~(9)~~ (8) OTHER SEXUAL CONDUCT. Any touching of the  
226 genitals, pubic areas, or buttocks of the human male or  
227 female, or the breasts of the female, whether alone or between  
228 members of the same or opposite sex or between humans and  
229 animals in an act of apparent sexual stimulation or  
230 gratification.

231 ~~(10)~~ (1) BREAST NUDITY. The lewd showing of the  
232 post-pubertal human female breasts below a point immediately  
233 above the top of the areola.

234 ~~(11)~~ (5) GENITAL NUDITY. The lewd showing of the  
235 genitals or pubic area.

236 ~~(12) MATTER. Any book, magazine, newspaper, or other~~  
237 ~~printed material, or any picture, photograph, motion picture,~~  
238 ~~video cassette, tape, record, digital video disc (DVD), video~~  
239 ~~compilation, or electronic depiction in a comparable format,~~  
240 ~~or an image, file, download, or other content stored, or~~  
241 ~~reproduced by using a computer or electronic device or other~~  
242 ~~digital storage, or any other thing, articles, or materials~~  
243 ~~that either are or contain a photographic or other visual~~  
244 ~~depiction of a live act, performance, or event.~~

245 ~~(13) OBSCENE. a. When used to describe any matter that~~  
246 ~~contains a visual reproduction of breast nudity, the term~~  
247 ~~shall include all of the following:~~

248 ~~1. Applying contemporary local community standards, on~~  
249 ~~the whole, appeals to the prurient interest.~~

250 ~~2. Is patently offensive.~~

251 ~~3. On the whole, lacks serious literary, artistic,~~  
252 ~~political, or scientific value.~~



## HB168 Engrossed

253 ~~b. When used to describe matter that is a depiction of~~  
254 ~~an act of sado-masochistic abuse, sexual intercourse, sexual~~  
255 ~~excitement, masturbation, genital nudity, or other sexual~~  
256 ~~conduct, the term means matter containing a visual~~  
257 ~~reproduction that itself lacks serious literary, artistic,~~  
258 ~~political, or scientific value.~~

259 ~~(14) LOCAL COMMUNITY. The judicial circuit in which the~~  
260 ~~indictment is brought.~~

261 ~~(15) VISUAL DEPICTION. A portrayal, representation,~~  
262 ~~illustration, image, likeness, or other thing that creates a~~  
263 ~~sensory impression, whether an original, duplicate, or~~  
264 ~~reproduction.~~

265 ~~(16)~~ (11) SEPARATE OFFENSE. The depiction of an  
266 individual less than ~~17~~ 18 years of age that violates this  
267 division shall constitute a separate offense for each single  
268 visual depiction.

269 (2) CHILD SEXUAL ABUSE MATERIAL. Any visual depiction  
270 of an individual under 18 years of age engaged in any act of  
271 sexually explicit conduct, including a virtually  
272 indistinguishable depiction.

273 (14) SEXUALLY EXPLICIT CONDUCT. Actual or simulated  
274 conduct that includes sadomasochistic abuse, sexual  
275 excitement, sexual intercourse, masturbation, breast nudity,  
276 genital nudity, or other sexual conduct.

277 (15) VIRTUALLY INDISTINGUISHABLE DEPICTION. A visual  
278 depiction created, altered, or produced by digital, computer  
279 generated, or other means that a reasonable person would  
280 conclude is of an actual individual under 18 years of age



## HB168 Engrossed

281 engaged in sexually explicit conduct."

282 "§13A-12-191

283 (a) Any person who shall knowingly disseminate or  
284 display publicly any ~~obscene matter containing a visual~~  
285 ~~depiction of a person under the age of 17 years engaged in any~~  
286 ~~act of sado-masochistic abuse, sexual intercourse, sexual~~  
287 ~~excitement, masturbation, breast nudity, genital nudity, or~~  
288 ~~other sexual conduct~~ child sexual abuse material shall be  
289 guilty of a Class B felony.

290 (b) Any person who shall knowingly advertise, promote,  
291 present, distribute, or solicit by any means, including by  
292 computer, any material or purported material in a manner that  
293 reflects the belief, or that is intended to cause another to  
294 believe, that the material or purported material is a visual  
295 depiction of an actual individual under 18 years of age  
296 engaging in sexually explicit conduct shall be guilty of a  
297 Class B felony."

298 "§13A-12-192

299 (a) Any person who knowingly possesses with intent to  
300 disseminate any ~~obscene matter that contains a visual~~  
301 ~~depiction of a person under the age of 17 years engaged in any~~  
302 ~~act of sado-masochistic abuse, sexual intercourse, sexual~~  
303 ~~excitement, masturbation, breast nudity, genital nudity, or~~  
304 ~~other sexual conduct~~ child sexual abuse material shall be  
305 guilty of a Class B felony. Any transfer of ~~the visual~~  
306 ~~depiction~~ child sexual abuse material from any electronic  
307 device to any other device, program, application, or any other  
308 place with storage capability ~~which~~ that can be made available



## HB168 Engrossed

309 or is accessible by other users, is prima facie evidence of  
310 possession with intent to disseminate.

311 (b) Any person who knowingly possesses any ~~obscene~~  
312 ~~matter that contains a visual depiction of a person under the~~  
313 ~~age of 17 years engaged in any act of sado-masochistic abuse,~~  
314 ~~sexual intercourse, sexual excitement, masturbation, breast~~  
315 ~~nudity, genital nudity, or other sexual conduct~~ child sexual  
316 abuse material shall be guilty of a Class C felony."

317 "§13A-12-193

318 (a) In proving that ~~a person~~ an individual in a visual  
319 depiction who is engaged in any ~~obscene act set out in~~  
320 ~~Sections 13A-12-191, 13A-12-192, 13A-12-196 and 13A-12-197~~  
321 sexually explicit conduct is under ~~the age of 17~~ 18 years of  
322 age, the state is not required to introduce into evidence a  
323 birth certificate, produce testimony as to the date of birth  
324 of ~~such person~~ the individual, or produce testimony of any  
325 person who knows or is acquainted with the ~~person~~ individual  
326 alleged to be under ~~the age of 17~~ 18 years of age. If the  
327 defendant or the state intends to rely on a birth certificate  
328 to prove the date of birth of any ~~person in the visually~~  
329 ~~reproduced matter~~ individual, ~~such the~~ defendant or the state  
330 shall file with the clerk of the court in which the action is  
331 pending, at least 15 days prior to trial, a notice of an  
332 intention to rely on an official, certified copy of a birth  
333 certificate together with a copy of the birth certificate.

334 (b) ~~A jury, or the court if a jury trial is waived,~~ The  
335 factfinder may infer from the following factors whether or not  
336 the ~~person~~ individual displayed or depicted in any ~~obscene~~



## HB168 Engrossed

337 ~~matter~~ visual depiction is under ~~the age of 17-18~~ years of  
338 age:

339 (1) The general body growth and bone structure of the  
340 ~~person;~~ individual.

341 (2) The development of pubic hair or body hair on the  
342 ~~person;~~ individual.

343 (3) The development of the ~~person's~~ individual's sexual  
344 organs~~;~~ .

345 (4) The context in which the ~~person~~ individual is  
346 placed by any accompanying printed or text material~~;~~ .

347 (5) Any expert testimony as to the degree of maturity  
348 of the ~~person~~ individual.

349 (c) The existence of any or all of the factors listed  
350 in subsection ~~(b) of this section~~ (a) shall not operate to  
351 change the requirement that before any conviction may be had,  
352 the state must convince the factfinder beyond a reasonable  
353 doubt that the ~~person~~ individual engaged in the ~~act of~~  
354 ~~sado-masochistic abuse, sexual intercourse, sexual excitement,~~  
355 ~~masturbation, breast nudity, genital nudity, or other sexual~~  
356 ~~conduct in the visual depiction~~ sexually explicit conduct is  
357 or is virtually indistinguishable from an individual under ~~the~~  
358 ~~age of 17-18~~ years of age.

359 (d) It is an affirmative defense to prosecution under  
360 this division if the actual individual purported to be under  
361 18 years of age and engaged in sexually explicit conduct was  
362 an actual individual 18 years of age or older at the time of  
363 the offense."

364 "§13A-12-194



## HB168 Engrossed

365 The state shall not be required to establish the actual  
366 existence or identity, either in the indictment or in any  
367 subsequent proceeding, of the ~~person~~ individual alleged to be  
368 under ~~the age of 17-18~~ years of age who is engaged in any ~~of~~  
369 ~~the acts described in Sections 13A-12-191, 13A-12-192,~~  
370 ~~13A-12-196 and 13A-12-197, which are visual depiction~~ act of  
371 sexually explicit conduct."

372 "§13A-12-196

373 Any ~~parent or guardian~~ responsible person, as defined in  
374 Section 26-15-2, who knowingly permits or allows their child,  
375 ward, or dependent under ~~the age of 17-18~~ years of age to  
376 engage in the production of any ~~obscene matter~~ child sexual  
377 abuse material containing a visual depiction of ~~such the~~  
378 child, ward, or dependent ~~under the age of 17 years engaged in~~  
379 ~~any act of sado-masochistic abuse, sexual excitement,~~  
380 ~~masturbation, breast nudity, genital nudity, or other sexual~~  
381 ~~conduct~~ shall be guilty of a Class A felony."

382 "§13A-12-197

383 ~~(a)~~ Any person who knowingly films, prints, records,  
384 photographs, or otherwise produces any ~~obscene matter that~~  
385 ~~contains a visual depiction of a person under the age of 17~~  
386 ~~years engaged in any act of sado-masochistic abuse, sexual~~  
387 ~~intercourse, sexual excitement, masturbation, breast nudity,~~  
388 ~~genital nudity, or other sexual conduct~~ child sexual abuse  
389 material shall be guilty of a Class A felony.

390 ~~(b) For any person who violates this section, each~~  
391 ~~depiction of each individual less than 17 years of age~~  
392 ~~constitutes a separate offense."~~



## HB168 Engrossed

393 "§13A-12-198

394 Any article, equipment, machine, materials, matter,  
395 vehicle, or other thing ~~whatsoever~~ used in the commercial  
396 production, transportation, dissemination, display, or storage  
397 of any ~~obscene matter displaying or depicting a person under~~  
398 ~~the age of 17 years engaged in any of the obscene acts~~  
399 ~~described in Sections 13A-12-191, 13A-12-192, 13A-12-196 and~~  
400 ~~13A-12-197~~ child sexual abuse material shall be contraband and  
401 shall be forfeited to the State of Alabama. The manner,  
402 method, and procedure for the forfeiture and condemnation of  
403 ~~such~~ the thing shall be the same as that provided by law for  
404 the confiscation ~~or~~ and condemnation, or forfeiture of  
405 automobiles, conveyances, or vehicles in which alcoholic  
406 beverages are illegally transported."

407 Section 4. (a) For the purposes of Division 4 of  
408 Article 4 of Chapter 12 of Title 13A, Code of Alabama 1975,  
409 each depiction of child sexual abuse material that violates  
410 any section constitutes a separate offense.

411 (b) No Internet service provider, search engine, cloud  
412 service provider, or affiliate or subsidiary of any of the  
413 same, shall be held to have violated this division solely for  
414 providing access or connection to or from a website, other  
415 information or content on the Internet, or a facility, system,  
416 or network not under the control of the provider, including,  
417 but not limited to, the transmission, download, or  
418 intermediate storage of content that is child sexual abuse  
419 material.

420 Section 5. (a) An individual who commits any of the





## HB168 Engrossed

421 following crimes is civilly liable to the individual depicted  
422 in the relevant image:

423 (1) Distributing a private image, pursuant to Section  
424 13A-6-240, Code of Alabama 1975.

425 (2) Dissemination, distribution, or public display of  
426 child sexual abuse material, pursuant to Section 13A-12-191,  
427 Code of Alabama 1975.

428 (3) Possession of child sexual abuse material, pursuant  
429 to Section 13A-12-192, Code of Alabama 1975.

430 (4) Possession with intent to distribute child sexual  
431 abuse material, pursuant to Section 13A-12-192, Code of  
432 Alabama 1975.

433 (5) Permitting or allowing a child, ward, or dependent  
434 to engage in production of child sexual abuse material as a  
435 parent or guardian, pursuant to Section 13A-12-196, Code of  
436 Alabama 1975.

437 (6) Production of child sexual abuse material, pursuant  
438 to Section 13A-12-197, Code of Alabama 1975.

439 (7) Advertising, promoting, presenting, or soliciting  
440 child sexual abuse material, pursuant to Section 13A-12-191,  
441 Code of Alabama 1975.

442 (b) No civil action may be brought pursuant to this  
443 section for actions taken to prevent, detect, protect against,  
444 report, or respond to the production, generation,  
445 incorporation, or synthesization through artificial  
446 intelligence of child sexual abuse material.

447 Section 6. Civil liability pursuant to Section 5 shall  
448 consist of all of the following:



## HB168 Engrossed

449 (1) The full actual damages incurred.

450 (2) Court costs and reasonable attorney fees.

451 (3) Punitive damages, if the plaintiff proves by clear  
452 and convincing evidence that the defendant consciously or  
453 deliberately engaged in wantonness or malice with regard to  
454 the plaintiff, as defined in Section 6-11-20, Code of Alabama  
455 1975.

456 Section 7. The State Board of Education shall require  
457 each local board of education to do all of the following  
458 before the start of the 2024-2025 school year:

459 (1) Develop a written policy on student discipline and  
460 education related to the distribution of private images as  
461 defined in Section 13A-6-240, Code of Alabama 1975, and the  
462 distribution, dissemination, public display, advertising,  
463 promoting, presenting, soliciting, possession, possession with  
464 intent to distribute, and production of child sexual abuse  
465 material as defined in Division 4 of Article 4 of Chapter 12  
466 of Title 13A, Code of Alabama 1975.

467 (2) Include within the written policy a prohibition of  
468 private, explicit, or pornographic images generated with  
469 artificial intelligence.

470 (3) Broadly disseminate the policy following its  
471 adoption.

472 (4) Distribute copies of the policy to all teachers,  
473 staff, parents, and students.

474 Section 8. Section 13A-12-195, Code of Alabama 1975,  
475 relating to the commercial exploitation of obscene material,  
476 is repealed.



## HB168 Engrossed

477           Section 9. Although this bill would have as its purpose  
478 or effect the requirement of a new or increased expenditure of  
479 local funds, the bill is excluded from further requirements  
480 and application under Section 111.05 of the Constitution of  
481 Alabama of 2022, because the bill defines a new crime or  
482 amends the definition of an existing crime.

483           Section 10. This act shall become effective on October  
484 1, 2024.



**HB168 Engrossed**

485  
486  
487

House of Representatives

488 Read for the first time and referred .....14-Feb-24  
489 to the House of Representatives  
490 committee on Judiciary  
491  
492 Read for the second time and placed .....21-Feb-24  
493 on the calendar:  
494 0 amendments  
495  
496 Read for the third time and passed .....22-Feb-24  
497 as amended  
498 Yeas 101  
499 Nays 0  
500 Abstains 0

501  
502  
503  
504  
505

John Treadwell  
Clerk