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SYNOPSIS:

This bill would define the terms "child sexual abuse material," "sexually explicit conduct," and "virtually indistinguishable depiction."

Under existing law, it is unlawful for any person to knowingly disseminate, display publicly, knowingly possess, knowingly possess with intent to disseminate, or knowingly film, print, record, photograph, or otherwise produce certain obscene material depicting an individual under 17 years of age.

This bill would provide that it is unlawful for any person to knowingly disseminate, distribute, display publicly, knowingly possess, knowingly possess with intent to disseminate, or knowingly film, print, record, photograph, or otherwise produce child sexual abuse material.

This bill would also provide that it is unlawful for any person to knowingly advertise, promote, present, or solicit by any means, including by computer, child sexual abuse material.

Under existing law, it is unlawful for any parent or guardian to knowingly permit or allow their child, ward, or dependent under 17 years of age to engage in the production of certain obscene material containing a visual depiction of the child, ward, or



29 dependent.

30 This bill would provide that it is unlawful for
31 any parent or guardian to knowingly permit or allow
32 their child, ward, or dependent under 18 years of age
33 to engage in the production of child sexual abuse
34 material depicting the child, ward, or dependent.

35 This bill would authorize an individual to
36 commence a civil action against a person who commits
37 the crime of distribution of a private image,
38 dissemination or public display of child sexual abuse
39 material, possession of child sexual abuse material,
40 possession with intent to distribute child sexual abuse
41 material, permitting or allowing a child, ward, or
42 dependent to engage in the production of child sexual
43 abuse material as a parent or guardian, or production
44 of child sexual abuse material.

45 This bill would also authorize a court to award
46 certain punitive damages against an individual who,
47 with wantonness or malice, commits the crime of
48 distribution of a private image, dissemination or
49 public display of child sexual abuse material,
50 possession of child sexual abuse material, possession
51 with intent to distribute child sexual abuse material,
52 permitting or allowing a child, ward, or dependent to
53 engage in the production of child sexual abuse material
54 as a parent or guardian, or production of child sexual
55 abuse material.

56 This bill would direct the State Board of



57 Education to require local school boards to develop
58 policies related to the distribution of private images
59 and the distribution, dissemination, public display,
60 possession, possession with intent to distribute, and
61 production of child sexual abuse material.

62 This bill would also make nonsubstantive,
63 technical revisions to update the existing code
64 language to current style.

65 Section 111.05 of the Constitution of Alabama of
66 2022, prohibits a general law whose purpose or effect
67 would be to require a new or increased expenditure of
68 local funds from becoming effective with regard to a
69 local governmental entity without enactment by a 2/3
70 vote unless: it comes within one of a number of
71 specified exceptions; it is approved by the affected
72 entity; or the Legislature appropriates funds, or
73 provides a local source of revenue, to the entity for
74 the purpose.

75 The purpose or effect of this bill would be to
76 require a new or increased expenditure of local funds
77 within the meaning of the section. However, the bill
78 does not require approval of a local governmental
79 entity or enactment by a 2/3 vote to become effective
80 because it comes within one of the specified exceptions
81 contained in the section.

82

83

84

A BILL



85 TO BE ENTITLED

86 AN ACT

87
88 Relating to child sexual abuse material; to amend
89 Sections 13A-6-240, as last amended by Act 2023-464, 2023
90 Regular Session, 13A-12-190, 13A-12-191, 13A-12-192,
91 13A-12-193, 13A-12-194, 13A-12-196, 13A-12-197, and
92 13A-12-198, Code of Alabama 1975; to further provide for the
93 age of a child for offenses involving child sexual abuse
94 material; to provide for exceptions; to provide a cause of
95 action for certain offenses involving child sexual abuse
96 material; to provide for exceptions; to authorize a court to
97 award punitive damages against an individual who commits
98 certain offenses involving child sexual abuse material; to
99 direct the State Board of Education to require local school
100 boards to develop policies related to certain crimes; to
101 repeal Section 13A-12-195, Code of Alabama 1975, relating to
102 the commercial exploitation of child sexual abuse material; to
103 make nonsubstantive, technical revisions to update the
104 existing code language to current style; and in connection
105 therewith would have as its purpose or effect the requirement
106 of a new or increased expenditure of local funds within the
107 meaning of Section 111.05 of the Constitution of Alabama of
108 2022.

109 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

112 Section 2. The Legislature finds and declares the



113 following:

114 (1) Child pornography harms and debases the most
115 defenseless of our residents.

116 (2) Child pornography is not entitled to protection
117 under the First Amendment.

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

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

127 (5) Artificially-generated child sexual abuse material
128 is virtually indistinguishable from actual child sexual abuse
129 material.

130 (6) With artificial technology, perpetrators can now
131 computer-generate depictions of children that are
132 indistinguishable from depictions of real children; use parts
133 of images of real children to create a composite image that is
134 unidentifiable as a particular child and in a way that
135 prevents even an expert from concluding that parts of images
136 of real children were used; and disguise pictures of real
137 children being abused by making the image look
138 computer-generated.

139 (7) Child sexual abuse material results from the abuse
140 of real children by sex offenders. The production of child



141 sexual abuse material is a byproduct of the sexual abuse of
142 children. There is no evidence that the development of
143 artificially-generated child sexual abuse material would stop
144 or even reduce the sexual abuse of real children or the
145 practice of visually recording that abuse.

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

150 (9) Artificially-generated child sexual abuse material
151 whets the appetites of child molesters who may use the images
152 to seduce children.

153 (10) The danger to children who are seduced and
154 molested with the aid of child sexual abuse material is just
155 as great when the child molester or child pornographer uses
156 child sexual abuse material produced wholly or in part by
157 electronic, mechanical, or other means as when the material
158 consists of images of actual children engaged in sexually
159 explicit conduct.

160 (11) Artificially-generated child sexual abuse material
161 provides another means by which child pornographers can profit
162 from child sexual abuse.

163 (12) Because artificially-generated child sexual abuse
164 material can be swiftly generated in bulk, law enforcement
165 will often discover large amounts on seized devices,
166 complicating investigations and interfering with efforts to
167 identify and protect child victims and stop the dissemination
168 of the material.



169 (13) Many criminal defendants argue that the images of
170 child sexual abuse material they possess are not those of
171 actual children, insisting that the state prove beyond a
172 reasonable doubt that the images are not
173 artificially-generated.

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

178 (15) Imposing an additional requirement that the state
179 prove beyond a reasonable doubt that the defendant knew that
180 the image was in fact an actual child, as some courts have
181 done, threatens to result in the de facto legalization of the
182 possession, receipt, and distribution of child sexual abuse
183 material for all except the original producers of the
184 material.

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

190 (17) For these reasons, actual and
191 artificially-generated child sexual abuse material, which are
192 virtually indistinguishable, must now be considered legally
193 indistinguishable and subject to the criminal penalties
194 provided in current law.

195 Section 3. Section 13A-6-240, as last amended by Act
196 2023-464, 2023 Regular Session, Sections 13A-12-190,



197 13A-12-191, 13A-12-192, 13A-12-193, 13A-12-194, 13A-12-196,
198 13A-12-197, and 13A-12-198, Code of Alabama 1975, are amended
199 to read as follows:

200 "§13A-6-240

201 (a) A person commits the crime of distributing a
202 private image if he or she knowingly posts, emails, texts,
203 transmits, or otherwise distributes a private image when the
204 depicted ~~person~~ individual has not consented to the
205 transmission and the depicted ~~person~~ individual had a
206 reasonable expectation of privacy against transmission of the
207 private image.

208 (b) (1) For purposes of this section, "private image"
209 means a photograph, digital image, video, film, or other
210 recording of ~~a person~~ an individual who is identifiable from
211 the recording itself or from the circumstances of its
212 transmission and who is engaged in any act of ~~sadomasochistic~~
213 ~~abuse, sexual intercourse, sexual excitement, masturbation,~~
214 ~~breast nudity, as defined in Section 13A-12-190, genital~~
215 ~~nudity, or other sexual conduct~~ sexually explicit conduct, as
216 defined in Section 13A-12-190.

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

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

222 a. The ~~person~~ individual depicted in the private image
223 created it or consented to its creation believing that it
224 would remain confidential.



225 b. The sexual conduct depicted in the image was
226 involuntary.

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

230 (d) It is a defense to distributing a private image if
231 the distribution of the private image was made in the public
232 interest, including, but not limited to, the reporting of
233 unlawful conduct; the lawful and common practices of law
234 enforcement, legal proceedings, or medical treatment; or a
235 bona fide attempt to prevent further distribution of the
236 private image.

237 (e) For the purposes of determining jurisdiction, the
238 crime of distributing a private image shall be considered to
239 be committed in any county in which any part of the crime took
240 place, in the county of residence of the victim or defendant,
241 or any county where the image is received.

242 (f) A violation of this section is a Class A
243 misdemeanor. A subsequent adjudication or conviction under
244 this section is a Class C felony.

245 (g) No Internet service provider, search engine, cloud
246 service provider, or affiliate or subsidiary of any of the
247 same, shall be held to have violated this section solely for
248 providing access or connection to or from a website, other
249 information or content on the Internet, or a facility, system,
250 or network not under the control of the provider, including,
251 but not limited to, the transmission, download, or
252 intermediate storage of content that is child sexual abuse



253 material."

254 "§13A-12-190

255 For the purposes of this division, the following terms
256 ~~shall~~ have the following meanings ~~respectively ascribed to~~
257 ~~them by this section:~~

258 ~~(1)~~ (4) DISSEMINATE. To transmit, distribute, sell,
259 lend, provide, transfer, or show, including through electronic
260 means.

261 ~~(2)~~ (3) DISPLAY PUBLICLY. The exposing, placing,
262 posting, exhibiting, or in any fashion displaying in any
263 location, whether public or private, an item in ~~such~~ a manner
264 that it may be readily seen and its content or character
265 distinguished by normal unaided vision viewing it from a
266 public thoroughfare, depot, or vehicle.

267 ~~(3)~~ (9) PUBLIC THOROUGHFARE, DEPOT, OR VEHICLE. Any
268 street, highway, park, depot, or transportation platform or
269 other place, whether indoors or ~~out~~ outdoors, or any vehicle
270 for public transportation, owned or operated by government,
271 either directly or through a public corporation or authority,
272 or owned or operated by any agency of public transportation
273 that is designed for the use, enjoyment, or transportation of
274 the general public.

275 ~~(4)~~ (6) KNOWINGLY. A person knowingly ~~disseminates or~~
276 ~~publicly displays obscene matter~~ acts when the person knows
277 the nature of the ~~matter~~ child sexual abuse material. A person
278 knows the nature of the ~~matter~~ material when either of the
279 following circumstances exist:

280 a. The person is aware of the character and content of



281 the ~~matter~~material.

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

284 ~~(5)~~ (10) ~~SADO-MASOCHISTIC~~SADOMASOCHISTIC ABUSE. ~~Such~~
285 ~~term means either~~ Either of the following:

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

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

293 ~~(6)~~ (12) SEXUAL EXCITEMENT. The condition of human male
294 or female genitals when in a state of sexual stimulation.

295 ~~(7)~~ (13) SEXUAL INTERCOURSE. Intercourse, real or
296 simulated, whether genital-genital, oral-genital,
297 anal-genital, or oral-anal, whether between ~~persons~~
298 individuals of the same or opposite sex or between a human and
299 an animal.

300 ~~(8)~~ (7) MASTURBATION. Manipulation, by hand or
301 instrument, of the human genitals, whether one's own or
302 another's for the purpose of sexual stimulation.

303 ~~(9)~~ (8) OTHER SEXUAL CONDUCT. Any touching of the
304 genitals, pubic areas, or buttocks of the human male or
305 female, or the breasts of the female, whether alone or between
306 members of the same or opposite sex or between humans and
307 animals in an act of apparent sexual stimulation or
308 gratification.



309 ~~(10)~~ (1) BREAST NUDITY. The lewd showing of the
310 post-pubertal human female breasts below a point immediately
311 above the top of the areola.

312 ~~(11)~~ (5) GENITAL NUDITY. The lewd showing of the
313 genitals or pubic area.

314 ~~(12) MATTER. Any book, magazine, newspaper, or other~~
315 ~~printed material, or any picture, photograph, motion picture,~~
316 ~~video cassette, tape, record, digital video disc (DVD), video~~
317 ~~compilation, or electronic depiction in a comparable format,~~
318 ~~or an image, file, download, or other content stored, or~~
319 ~~reproduced by using a computer or electronic device or other~~
320 ~~digital storage, or any other thing, articles, or materials~~
321 ~~that either are or contain a photographic or other visual~~
322 ~~depiction of a live act, performance, or event.~~

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

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

328 ~~2. Is patently offensive.~~

329 ~~3. On the whole, lacks serious literary, artistic,~~
330 ~~political, or scientific value.~~

331 ~~b. When used to describe matter that is a depiction of~~
332 ~~an act of sado-masochistic abuse, sexual intercourse, sexual~~
333 ~~excitement, masturbation, genital nudity, or other sexual~~
334 ~~conduct, the term means matter containing a visual~~
335 ~~reproduction that itself lacks serious literary, artistic,~~
336 ~~political, or scientific value.~~



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

339 ~~(15) VISUAL DEPICTION. A portrayal, representation,~~
340 ~~illustration, image, likeness, or other thing that creates a~~
341 ~~sensory impression, whether an original, duplicate, or~~
342 ~~reproduction.~~

343 ~~(16)~~ (11) SEPARATE OFFENSE. The depiction of an
344 individual less than ~~17~~ 18 years of age that violates this
345 division shall constitute a separate offense for each single
346 visual depiction.

347 (2) CHILD SEXUAL ABUSE MATERIAL. Any visual depiction
348 of an individual under 18 years of age engaged in any act of
349 sexually explicit conduct, including a virtually
350 indistinguishable depiction.

351 (14) SEXUALLY EXPLICIT CONDUCT. Actual or simulated
352 conduct that includes sadomasochistic abuse, sexual
353 excitement, sexual intercourse, masturbation, breast nudity,
354 genital nudity, or other sexual conduct.

355 (15) VIRTUALLY INDISTINGUISHABLE DEPICTION. A visual
356 depiction created, altered, or produced by digital, computer
357 generated, or other means that a reasonable person would
358 conclude is of an actual individual under 18 years of age
359 engaged in sexually explicit conduct."

360 "§13A-12-191

361 (a) Any person who shall knowingly disseminate or
362 display publicly any ~~obscene matter containing a visual~~
363 ~~depiction of a person under the age of 17 years engaged in any~~
364 ~~act of sado-masochistic abuse, sexual intercourse, sexual~~



365 ~~excitement, masturbation, breast nudity, genital nudity, or~~
366 ~~other sexual conduct~~ child sexual abuse material shall be
367 guilty of a Class B felony.

368 (b) Any person who shall knowingly advertise, promote,
369 present, distribute, or solicit by any means, including by
370 computer, any material or purported material in a manner that
371 reflects the belief, or that is intended to cause another to
372 believe, that the material or purported material is a visual
373 depiction of an actual individual under 18 years of age
374 engaging in sexually explicit conduct shall be guilty of a
375 Class B felony."

376 "§13A-12-192

377 (a) Any person who knowingly possesses with intent to
378 disseminate any ~~obscene matter that contains a visual~~
379 ~~depiction of a person under the age of 17 years engaged in any~~
380 ~~act of sado-masochistic abuse, sexual intercourse, sexual~~
381 ~~excitement, masturbation, breast nudity, genital nudity, or~~
382 ~~other sexual conduct~~ child sexual abuse material shall be
383 guilty of a Class B felony. Any transfer of ~~the visual~~
384 ~~depiction~~ child sexual abuse material from any electronic
385 device to any other device, program, application, or any other
386 place with storage capability ~~which~~ that can be made available
387 or is accessible by other users, is prima facie evidence of
388 possession with intent to disseminate.

389 (b) Any person who knowingly possesses any ~~obscene~~
390 ~~matter that contains a visual depiction of a person under the~~
391 ~~age of 17 years engaged in any act of sado-masochistic abuse,~~
392 ~~sexual intercourse, sexual excitement, masturbation, breast~~



393 ~~nudity, genital nudity, or other sexual conduct~~ child sexual
394 abuse material shall be guilty of a Class C felony."

395 "§13A-12-193

396 (a) In proving that ~~a person~~ an individual in a visual
397 depiction who is engaged in any ~~obscene act set out in~~
398 ~~Sections 13A-12-191, 13A-12-192, 13A-12-196 and 13A-12-197~~
399 sexually explicit conduct is under ~~the age of 17-18~~ years of
400 age, the state is not required to introduce into evidence a
401 birth certificate, produce testimony as to the date of birth
402 of ~~such person~~ the individual, or produce testimony of any
403 person who knows or is acquainted with the ~~person~~ individual
404 alleged to be under ~~the age of 17-18~~ years of age. If the
405 defendant or the state intends to rely on a birth certificate
406 to prove the date of birth of any ~~person in the visually~~
407 ~~reproduced matter~~ individual, ~~such the~~ defendant or the state
408 shall file with the clerk of the court in which the action is
409 pending, at least 15 days prior to trial, a notice of an
410 intention to rely on an official, certified copy of a birth
411 certificate together with a copy of the birth certificate.

412 (b) ~~A jury, or the court if a jury trial is waived, The~~
413 factfinder may infer from the following factors whether or not
414 the ~~person~~ individual displayed or depicted in any ~~obscene~~
415 ~~matter~~ visual depiction is under ~~the age of 17-18~~ years of
416 age:

417 (1) The general body growth and bone structure of the
418 ~~person~~ individual.

419 (2) The development of pubic hair or body hair on the
420 ~~person~~ individual.



421 (3) The development of the ~~person's~~ individual's sexual
422 organs~~†~~.

423 (4) The context in which the ~~person~~ individual is
424 placed by any accompanying printed or text material~~†~~.

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

427 (c) The existence of any or all of the factors listed
428 in subsection ~~(b) of this section~~ (a) shall not operate to
429 change the requirement that before any conviction may be had,
430 the state must convince the factfinder beyond a reasonable
431 doubt that the ~~person~~ individual engaged in the ~~act of~~
432 ~~sado-masochistic abuse, sexual intercourse, sexual excitement,~~
433 ~~masturbation, breast nudity, genital nudity, or other sexual~~
434 ~~conduct in the visual depiction~~ sexually explicit conduct is
435 or is virtually indistinguishable from an individual under ~~the~~
436 ~~age of 17-18~~ years of age.

437 (d) It is an affirmative defense to prosecution under
438 this division if the actual individual purported to be under
439 18 years of age and engaged in sexually explicit conduct was
440 an actual individual 18 years of age or older at the time of
441 the offense."

442 "§13A-12-194

443 The state shall not be required to establish the actual
444 existence or identity, either in the indictment or in any
445 subsequent proceeding, of the ~~person~~ individual alleged to be
446 under ~~the age of 17-18~~ years of age who is engaged in any ~~of~~
447 ~~the acts described in Sections 13A-12-191, 13A-12-192,~~
448 ~~13A-12-196 and 13A-12-197, which are visual depiction~~ act of



449 sexually explicit conduct."

450 "§13A-12-196

451 Any ~~parent or guardian~~responsible person, as defined in
452 Section 26-15-2, who knowingly permits or allows their child,
453 ward, or dependent under ~~the age of 17-18~~ years of age to
454 engage in the production of any ~~obscene matter~~ child sexual
455 abuse material containing a visual depiction of ~~such the~~
456 child, ward, or dependent ~~under the age of 17 years engaged in~~
457 ~~any act of sado-masochistic abuse, sexual excitement,~~
458 ~~masturbation, breast nudity, genital nudity, or other sexual~~
459 ~~conduct~~ shall be guilty of a Class A felony."

460 "§13A-12-197

461 ~~(a)~~ Any person who knowingly films, prints, records,
462 photographs, or otherwise produces any ~~obscene matter that~~
463 ~~contains a visual depiction of a person under the age of 17~~
464 ~~years engaged in any act of sado-masochistic abuse, sexual~~
465 ~~intercourse, sexual excitement, masturbation, breast nudity,~~
466 ~~genital nudity, or other sexual conduct~~ child sexual abuse
467 material shall be guilty of a Class A felony.

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

471 "§13A-12-198

472 Any article, equipment, machine, materials, matter,
473 vehicle, or other thing ~~whatsoever~~ used in the commercial
474 production, transportation, dissemination, display, or storage
475 of any ~~obscene matter displaying or depicting a person under~~
476 ~~the age of 17 years engaged in any of the obscene acts~~



477 ~~described in Sections 13A-12-191, 13A-12-192, 13A-12-196 and~~
478 ~~13A-12-197~~ child sexual abuse material shall be contraband and
479 shall be forfeited to the State of Alabama. The manner,
480 method, and procedure for the forfeiture and condemnation of
481 ~~such~~ the thing shall be the same as that provided by law for
482 the confiscation~~or~~, condemnation, or forfeiture of
483 automobiles, conveyances, or vehicles in which alcoholic
484 beverages are illegally transported."

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

489 (b) No Internet service provider, search engine, cloud
490 service provider, or affiliate or subsidiary of any of the
491 same, shall be held to have violated this division solely for
492 providing access or connection to or from a website, other
493 information or content on the Internet, or a facility, system,
494 or network not under the control of the provider, including,
495 but not limited to, the transmission, download, or
496 intermediate storage of content that is child sexual abuse
497 material.

498 Section 5. (a) An individual who commits any of the
499 following crimes is civilly liable to the individual depicted
500 in the relevant image:

501 (1) Distributing a private image, pursuant to Section
502 13A-6-240, Code of Alabama 1975.

503 (2) Dissemination, distribution, or public display of
504 child sexual abuse material, pursuant to Section 13A-12-191,



505 Code of Alabama 1975.

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

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

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

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

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

520 (b) No civil action may be brought pursuant to this
521 section for actions taken to prevent, detect, protect against,
522 report, or respond to the production, generation,
523 incorporation, or synthesization through artificial
524 intelligence of child sexual abuse material.

525 Section 6. Civil liability pursuant to Section 5 shall
526 consist of all of the following:

527 (1) The full actual damages incurred.

528 (2) Court costs and reasonable attorney fees.

529 (3) Punitive damages, if the plaintiff proves by clear
530 and convincing evidence that the defendant consciously or
531 deliberately engaged in wantonness or malice with regard to
532 the plaintiff, as defined in Section 6-11-20, Code of Alabama



533 1975.

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

537 (1) Develop a written policy on student discipline and
538 education related to the distribution of private images as
539 defined in Section 13A-6-240, Code of Alabama 1975, and the
540 distribution, dissemination, public display, advertising,
541 promoting, presenting, soliciting, possession, possession with
542 intent to distribute, and production of child sexual abuse
543 material as defined in Division 4 of Article 4 of Chapter 12
544 of Title 13A, Code of Alabama 1975.

545 (2) Include within the written policy a prohibition of
546 private, explicit, or pornographic images generated with
547 artificial intelligence.

548 (3) Broadly disseminate the policy following its
549 adoption.

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

552 Section 8. Section 13A-12-195, Code of Alabama 1975,
553 relating to the commercial exploitation of obscene material,
554 is repealed.

555 Section 9. Although this bill would have as its purpose
556 or effect the requirement of a new or increased expenditure of
557 local funds, the bill is excluded from further requirements
558 and application under Section 111.05 of the Constitution of
559 Alabama of 2022, because the bill defines a new crime or
560 amends the definition of an existing crime.



561 Section 10. This act shall become effective on October
562 1, 2024.