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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 4, 2025
Subject: Bill Brief for HB 2183 (As Introduced)

House Bill 2183 includes any photograph, film, video picture, digital or computer-generated image or picture that has been created, altered or modified by artificial intelligence or any digital means in the definition of a visual depiction for certain criminal offenses.

Section 1 amends K.S.A. 21-5510, the crime of sexual exploitation of a child. The change in subsection (a)(2) expands the conduct prohibited by the section to include possessing any visual depiction of a child under 18 years of age shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person, regardless of whether an actual child under 18 years of age was involved in the creation of the original image. In subsection (d)(5), the definition of "visual depiction" is amended to include any photograph, film, video picture, digital or computer-generated image or picture that has been created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict a child engaging in sexually explicit conduct.

Section 2 amends K.S.A. 21-5611, the crime of unlawful transmission of a visual depiction of a child. In subsection (g), which defines terms for this section and K.S.A. 21-5610 (the crime of unlawful possession of a visual depiction of a child), the definition of "visual depiction" is amended to include any photograph, film, video picture, digital or computer-generated image or picture that has been created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict a child engaging in sexually explicit conduct.

Section 3 amends K.S.A. 21-6101, the crime of breach of privacy. The change in subsection (a)(8) expands the conduct prohibited by the section to include disseminating any videotape, photograph, film or image that has been created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict such identifiable person, regardless of whether such identifiable person was involved in the creation of the original image.

The bill would take effect from and after publication in the statute book, July 1, 2025.