Captain,

I have been a member of the Wichita Police Department for the past 38 years. During that time, I have held assignments in Patrol, Training, FBI, Joint Terrorism Task Force, and Investigations. Over twenty years of my career has been devoted to the investigation of crimes committed against children in the state of Kansas. For the past 11 years I have been the supervisor of Kansas Internet Crimes Against Children (ICAC), a unit that investigates electronically facilitated crimes against children. These crimes include but are not limited to:

Possession of CSAM
Distribution of CSAM
Manufacturing of CSAM
Online solicitation
Traveler investigations
Sextortion
Human Trafficking

Between Jan 1, 2024, and December 31, 2024, the ICAC Program received 6,196 Cybertips from the National Center for Missing and Exploited Children (NCMEC). These resulted in:

2678 criminal investigations
352 State Subpoenas
183 Federal Subpoenas
804 State Search Warrants
30 Federal Search Warrants
Processing 2,998 pieces of digital evidence and 140,262 Gigabytes of data.
97 Arrests
132 Children being identified, 12 of whom were victims of unreported contact sexual abused.
120 Prosecutions

The numbers contained do not reflect the reports made to Local, County or State law enforcement agencies.

I was asked to review the attached bill, and it appears this is the current law with the exception of:

Currently,

The law states: (5) "Visual depiction" means photograph, film, video picture, digital or computer- generated image or picture, whether made or produced by electronic, mechanical or other means.

Additions:

(5) "visual depiction" means any photograph, film, video picture, digital or computer-generated image or picture, whether made or produced by electronic, mechanical or other means. ***"Visual depiction" includes 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.***

I think the additional language cleans this up to include AI technology and any other means in which these images may be constructed.

Additionally, Section (2) was previously: 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.

They have now added *"regardless of whether an actual child under 18 years of age was involved in the creation of the original image"*
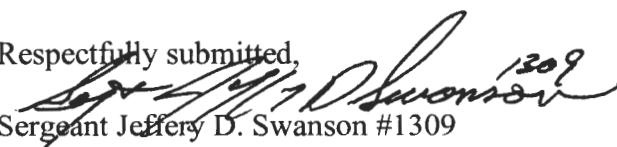
I am wondering about the constitutionality of this. It seems rather broad. Below is an example of more specific language used in statute in South Dakota 22-24a-2.

"Indistinguishable is defined: When used with respect to a visual depiction, means virtually indistinguishable, in that the visual depiction is such that an ordinary person viewing the visual depiction would conclude that the visual depict is of an actual minor engaging in a prohibited sexual act."

As the bill is drafted, I would strongly support this. The use of AI generated images is becoming more mainstream with the development of free software of facilitate the issue. Just recently, an individual used images of his adult wife, while she was a teenager, to depict her in CSAM. This individual was federally indicted for production of child sexual abuse material involving two children he had access to; however, he was not charged with the production of the images involving his wife, which were just as egregious.

If you have any questions, or need additional information please feel free to contact me.

Respectfully submitted,

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