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**MEMORANDUM**

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: March 4, 2025

Subject: Bill Brief for HB 2183 (As Amended by House Committee of the Whole)

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 artificially generated visual depiction with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person. In subsection (d)(5), a definition of "artificially generated visual depiction" is added which means a visual depiction that is obscene and produced through the use of computer software, digital manipulation or other means that creates an image or video that appears to depict a child under 18 years of age shown or heard engaging in sexually explicit conduct. It includes depictions that are obscene and indistinguishable from a real child, morphed from a real child's image or generated without any actual child involvement. A definition of "obscene" is added which means a visual depiction or artificially generated visual depiction that, taken as a whole, appeals to the prurient interest of an average person, applying contemporary community standards, that is patently offensive and that, taken as a whole, lacks serious literary, artistic political or scientific value.

Section 2 amends K.S.A. 21-5611, the crime of unlawful transmission of a visual depiction of a child. In subsections (a) and (b) the term "identifiable" is added to describe the child that is the subject of the depiction. 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 a depiction created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict an identifiable

child, regardless of whether such identifiable child was involved in the creation of the original image.

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. Subsection (d) is amended to provide that the section shall not apply to cable services as defined in 47 U.S.C. § 522.

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