



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

SENATE BILL NO. 1213

PRINTER'S NO. 1942

PRIME SPONSOR: Pennycuick

*As amended by A05948*

### COST / (SAVINGS)

FUND	FY 2024/25	FY 2025/26
General Fund	See Fiscal Impact	See Fiscal Impact

### SUMMARY:

Amends Title 18 (Crimes and Offenses) to prohibit the use of artificial intelligence technology to create pornographic images of an individual without their consent and changes the term “child pornography” to “child sexual abuse material.”

### ANALYSIS:

Senate Bill 1213 Printer’s Number 1942 amends the following chapters in Title 18 (Crimes and Offense) to include as violations pornographic images that were created by using artificial intelligence or photo editing software:

- Title 18 Chapter 3131. Unlawful dissemination of intimate image
- Title 18 Chapter 6312. Sexual abuse of children.
- Title 18 Chapter 6321. Transmission of sexually explicit images by minor.

Title 18 Chapter 3131 (unlawful dissemination of intimate image) is expanded to include the unlawful dissemination of an artificially generated sexual depiction. An offense for the new violation would be a misdemeanor of the first degree if the person is a minor or a misdemeanor of the second degree, when the person depicted is not a minor.

Title 18 Chapter 6312 (Sexual abuse of children) is amended to include artificially generated child sexual abuse material to the list of items that are prohibited from dissemination (subsection c) and are illegal for an individual to intentionally view or knowingly possess or control (subsection d). The legislation does provide an exception for an artificial intelligence developer or its authorized employee or contractor, who, upon obtaining actual knowledge of the existence of artificially generated child sexual abuse material, reports the material to the National Center for Missing and Exploited Children as soon as reasonably possible. An offense for this violation ranges from a felony of the third degree to a felony of the second degree, not including potential sentencing enhancements.

Title 18 Chapter 6321 (Transmission of sexually explicit images by minor) is amended to expand the definition of “sexually explicit image” to include artificially generated depictions. An offense for this violation ranges from a summary offense to a misdemeanor of the second degree.

The legislation also changes and standardizes the term “child pornography” to “child sexual abuse material,” and provides a definition of “child sexual abuse material” in Title 18.

This legislation would take effect in 60 days upon enactment.

**FISCAL IMPACT:**

Senate Bill 1213 adds new specifications to three different existing offenses related to the possession and dissemination of sexual abuse materials, including images or depictions which were generated using artificial intelligence or photo editing software. The list of offenses and potential penalties are shown below.

Offense	Classification	Maximum Sentencing	Maximum Fine
Title 18 Chapter 3131	Misdemeanor of the Second Degree	2 years	\$5,000
	Misdemeanor of the First Degree	5 years	\$10,000
Title 18 Chapter 6312	Felony of the Third Degree	7 years	\$15,000
	Felony of the Second Degree	10 years	\$25,000
	Felony of the First Degree	20 years	\$25,000
Title 18 Chapter 6321	Summary Offense	90 days	\$300
	Misdemeanor of the Third Degree	1 year	\$2,000
	Misdemeanor of the Second Degree	2 years	\$5,000

Data are not available to reliably estimate how many individuals may be convicted due to the expansion of the offenses. Therefore, the potential cost to the commonwealth and to local governments is indeterminable.

It should be noted that the marginal annual cost to incarcerate an additional inmate in a state correctional institution was \$16,104 in FY 2022/23. This cost assumes that fewer than 300 additional individuals were incarcerated. Offenders with a maximum sentence of less than two years are typically sent to a county jail. Marginal costs are not available for county facilities, but the average annual cost to incarcerate someone in a county jail in 2022 was \$43,701.

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House Appropriations Committee (D)

**DATE:** October 8, 2024

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*