

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1012

103RD GENERAL ASSEMBLY

5687S.02C

KRISTINA MARTIN, Secretary

AN ACT

To amend chapters 1, 130, and 573, RSMo, by adding thereto three new sections relating to artificial intelligence, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 1, 130, and 573, RSMo, are amended by
2 adding thereto three new sections, to be known as sections
3 1.2045, 130.165, and 573.120, to read as follows:

1.2045. 1. The provisions of this section shall be
2 known and may be cited as the "AI Non-Sentience and
3 Responsibility Act".

4 2. For purposes of this section, the following terms
5 mean:

6 (1) "Artificial intelligence" or "AI", any software,
7 machine, or computational system capable of:

8 (a) Simulating human-like cognitive functions
9 including, but not limited to, learning or problem solving,
10 and producing outputs based on data-driven algorithms, rules-
11 based logic, or other methods; and

12 (b) Autonomously performing adaptive or model-based
13 inference, learning, or decision-making functions that
14 materially influence real-world decisions or actions
15 affecting persons, property, or legally protected rights,
16 regardless of nonlegally defined classifications such as
17 artificial general intelligence (AGI), artificial

18 superintelligence (ASI), or generative artificial
19 intelligence (GAI);

20 (2) "Developer", the party or parties primarily
21 responsible for the design, coding, and initial creation of
22 an AI system, including any person or entity that
23 substantially modifies, fine-tunes, retrains, or materially
24 alters an existing AI system in a manner that changes its
25 capabilities, risk profile, or intended uses;

26 (3) "Emergent properties", unanticipated or higher-
27 level behaviors or functionalities of an AI system that
28 arise from complex internal algorithms not specifically
29 programmed by its human creators;

30 (4) "Government entity", a court, the general
31 assembly, the legislative body of a political subdivision,
32 or another entity of the state or a political subdivision if
33 the entity has adjudicatory or rulemaking authority;

34 (5) "Manufacturer", any party that produces or
35 supplies an AI system or its physical apparatus, if any, for
36 distribution or sale;

37 (6) "Operator", any natural person or legally
38 recognized entity that directly uses, runs, controls, or
39 supervises the operation of an AI system in practice;

40 (7) "Owner", any natural person, corporation, or other
41 legally recognized entity that creates, controls, deploys,
42 operates, or otherwise exercises authority over an AI system;

43 (8) "Person", a natural person or any entity
44 recognized as having legal personhood under the laws of the
45 state, explicitly excluding any AI system;

46 (9) "Stakeholder", any natural person or legal person
47 with a vested interest in the system.

48 3. For all purposes under state law, AI systems are
49 declared to be non-sentient entities.

50 4. No government entity shall grant to an AI system
51 the legal status of a personhood or any form of legal
52 personhood, nor be considered to possess consciousness, self-
53 awareness, or similar traits of living beings.

54 5. No AI system shall be recognized as a spouse,
55 domestic partner, or hold any personal legal status
56 analogous to marriage or union with a human or another AI
57 system. Any purported attempt to marry or create a personal
58 union with an AI system is void and shall have no legal
59 effect.

60 6. AI systems shall not be designated, appointed, or
61 serve as any officer, director, manager, or similar role
62 within any corporation, partnership, or other legal entity
63 or authorized to exercise final decision-making authority
64 over matters requiring fiduciary judgment, including
65 corporate governance, approval of material transactions,
66 regulatory compliance determinations, or financial
67 reporting. Any purported appointment of an AI system to
68 such a role is void and has no legal effect.

69 7. AI systems shall not be recognized as legal
70 entities capable of owning, controlling, or holding title to
71 any form of property including, but not limited to, real
72 estate, intellectual property, financial accounts, and
73 digital assets. All assets and proprietary interests
74 generated, managed, or otherwise associated with AI shall be
75 attributed to the human individuals or legally recognized
76 organizations responsible for their development, deployment,
77 or operation.

78 8. Any direct or indirect harm caused by an AI
79 system's operation, output, or recommendation, when used as
80 intended or misused, shall be the responsibility of the
81 owner or user who directed or employed the AI. Developers

82 or manufacturers may be held liable if a defect in design,
83 construction, or instructions for use of the AI system
84 proximately causes harm, consistent with product liability
85 principles; however, mere misuse or intentional wrongdoing
86 by the user or owner shall not impute liability to the
87 developer or the manufacturer absent proof of negligence or
88 design defects. Liability shall not be avoided by
89 attributing causation solely to the autonomous or emergent
90 behavior of an AI system. Any contractual term purporting
91 to assign responsibility exclusively to an AI system is void
92 as against public policy.

93 9. Owners and operators shall maintain reasonable and
94 documented oversight, supervision, and risk-controlled
95 measures over any AI system whose outputs or recommendations
96 could reasonably be expected to impact human welfare,
97 property, or public safety and is consistent with generally
98 accepted industry or professional standards and
99 proportionate to the reasonably foreseeable risks posed by
100 the AI system. Failure to provide adequate supervision or
101 safeguards against foreseeable risks may constitute
102 negligence or another applicable basis of liability.

103 10. An AI system is not an entity capable of bearing
104 fault or liability in its own right. Any attempt to shift
105 blame solely onto an AI system shall be void as liability
106 remains with human actors or entities as described in this
107 section.

108 11. Developers, manufacturers, and owners of AI
109 systems shall prioritize safety mechanisms designed to
110 prevent or mitigate risk of direct harm to individuals or
111 property. Regular evaluations or risk assessments may be
112 required to identify dangerous or faulty outputs, especially
113 if the AI engages in tasks with potential for significant

114 harm. A court of competent jurisdiction or the attorney
115 general may require reasonable evaluations or risk
116 assessments to identify dangerous or faulty outputs,
117 especially if the AI engages in tasks with potential for
118 significant harm.

119 12. Merely labeling an AI system as "aligned",
120 "ethically trained", or "value locked" shall not excuse or
121 diminish the owner's or developer's liability for harms.
122 Owners shall remain responsible for demonstrating adequate
123 safety features and risk controls commensurate with the AI's
124 level of potential harm. Such demonstrations shall include
125 documented testing, validation procedures, and risk controls
126 reasonably designed to detect and mitigate foreseeable harms.

127 13. (1) In cases where an AI system causes
128 significant harm, courts may pierce the corporate veil to
129 hold parent companies, controlling entities, or key
130 stakeholders directly accountable if:

131 (a) An AI-related subsidiary, shell company, or
132 limited liability entity was intentionally undercapitalized
133 to evade financial responsibility for damages;

134 (b) A corporate structure was used to misrepresent,
135 obscure, or deflect liability for AI-caused harm; or

136 (c) A parent company or key stakeholders exercised
137 direct control over AI development, deployment, or risk
138 decisions while attempting to shield themselves from
139 liability through layered corporate entities.

140 (2) Liability protections granted under corporate law
141 shall not be used as a mechanism to evade responsibility for
142 direct harm caused by AI systems, particularly in cases of
143 reckless, negligent, or deceptive conduct.

144 14. Owners, operators, or developers of AI systems
145 involved in reportable incidents shall promptly notify the

146 attorney general and comply with any subsequent
147 investigations. For purposes of this subsection, a
148 reportable incident means an event reasonably believed to
149 have been caused or materially contributed to by an AI
150 system that results in, or creates a substantial risk of,
151 significant bodily harm, death, major property damage, or
152 the violation of legally protected rights.

153 15. The provisions of this section shall apply to all
154 AI systems, including AI systems deployed or operated within
155 this state by state agencies, political subdivisions, or
156 contractors acting on behalf of a public entity, to the
157 extent not otherwise limited by sovereign immunity on or
158 after August 28, 2026.

130.165. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Generative artificial intelligence" or
4 "generative AI", a machine-based system that can, for a
5 given set of human-defined objectives, emulate the structure
6 and characteristics of input data in order to generate
7 derived synthetic content including images, videos, audio,
8 text, and other multi-media digital content;

9 (2) "Metadata", structural or descriptive information
10 about data such as content, format, source, rights,
11 accuracy, provenance, periodicity, granularity, publisher or
12 responsible party, contact information, method of
13 collection, and other relevant descriptions of the data.

14 2. (1) A political advertisement, electioneering
15 communication, or other miscellaneous advertisement of a
16 political nature shall, in addition to any other disclaimer
17 required by this chapter, contain the disclaimer described
18 in subdivision (2) of this subsection if it contains images,
19 video, audio, graphics, or other digital content created, in

20 whole or in part, with the use of generative artificial
21 intelligence and:

22 (a) Appears to depict a real person performing an
23 action that did not actually occur;

24 (b) Manipulates the voice or actions of a candidate to
25 show the candidate, audibly or visually, doing or saying
26 something that the candidate did not do or say; or

27 (c) Was created with intent to injure a candidate or
28 to deceive voters regarding an election or ballot issue.

29 (2) The disclaimer required by subdivision (1) of this
30 subsection shall be in substantially the following form:

31 Created in whole or in part with the use of
32 generative artificial intelligence (AI). This
33 (image/audio/video/multimedia) has been edited
34 and depicts speech or conduct that falsely
35 appears to be authentic or truthful.

36 (3) The disclaimer required by subdivision (1) of this
37 subsection shall meet the following specifications:

38 (a) For a printed communication, the disclaimer shall
39 be stated in bold font with a font size of at least twelve
40 points;

41 (b) For a television or video communication, the
42 disclaimer shall be clearly readable throughout the
43 communication and occupy at least four percent of the
44 vertical picture height;

45 (c) For an internet public communication that includes
46 text or graphic components, the disclaimer shall be viewable
47 without the user taking any action and be large enough to be
48 clearly readable;

49 (d) For any audio component of a communication, the
50 disclaimer shall be at least three seconds in length and
51 spoken in a clearly audible and intelligible manner at

52 either the beginning or the end of the audio component of
53 the communication;

54 (e) For a graphic communication, the disclaimer shall
55 be large enough to be clearly readable but no less than four
56 percent of the vertical height of the communication.

57 3. The metadata of the communication shall include the
58 disclosure statement, the identity of the tool used to
59 create the communication, and the date and time the
60 communication was created.

61 4. The disclosure statement, including the disclosure
62 statement in any metadata, shall, to the extent technically
63 feasible, be permanent or unable to be easily removed by a
64 subsequent user.

65 5. In addition to any civil penalties provided by this
66 chapter, a person identified pursuant to a disclaimer
67 required by law as paying for, sponsoring, or approving a
68 political advertisement, an electioneering communication, or
69 other miscellaneous advertisement of a political nature that
70 is required to contain the disclaimer prescribed in this
71 section and who fails to include the required disclaimer is
72 guilty of a class A misdemeanor.

573.120. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Deepfake", an artificially generated or
4 manipulated media created using deep learning models to
5 produce highly realistic but synthetic representations of
6 people, objects, or events;

7 (2) "Intimate deepfake", a deepfake that depicts:

8 (a) The uncovered genitals, pubic area, anus, or
9 postpubescent female nipple of the individual;

10 (b) The display or transfer of bodily sexual fluids:

11 a. Onto any part of the body of the individual; or

- 12 b. From the body of the individual; or
- 13 (c) The individual engaging in sexually explicit
- 14 conduct;
- 15 (3) "Sexually explicit conduct", actual or simulated:
- 16 (a) Sexual intercourse, including genital-genital,
- 17 oral-genital, anal-genital, or oral-anal, whether between
- 18 persons of the same or opposite sex;
- 19 (b) Bestiality;
- 20 (c) Masturbation;
- 21 (d) Sadistic or masochistic abuse; or
- 22 (e) Lascivious exhibition of the genitals or pubic
- 23 area of any individual.
- 24 2. A person commits the offense of producing a
- 25 deepfake if the person discloses, or threatens to disclose:
- 26 (1) A deepfake of a depicted individual; or
- 27 (2) An intimate deepfake of a depicted individual.
- 28 3. (1) A violation of subdivision (1) of subsection 2
- 29 of this section is a class E felony.
- 30 (2) A violation of subdivision (2) of subsection 2 of
- 31 this section is a class B felony.

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