

SECOND REGULAR SESSION

# SENATE BILL NO. 1506

## 103RD GENERAL ASSEMBLY

---

INTRODUCED BY SENATOR HUDSON.

---

6400S.01I

---

KRISTINA MARTIN, Secretary

---

### AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to altered sexual depictions, with penalty provisions.

---

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

Section A. Chapter 537, RSMo, is amended by adding thereto  
2 one new section, to be known as section 537.585, to read as  
3 follows:

537.585. 1. **As used in this section, the following**  
2 **terms mean:**  
3       (1) "Altered sexual depiction", any visual depiction  
4 that, as a result of any type of digital, electronic,  
5 mechanical, or other modification, alteration, or  
6 adaptation, depicts a realistic version of an identifiable  
7 person:  
8       (a) With the nude body parts of another person as the  
9 nude body parts of the identifiable person;  
10       (b) With computer-generated nude body parts as the  
11 nude body parts of the identifiable person; or  
12       (c) Engaging in sexual conduct in which the  
13 identifiable person did not engage;  
14       (2) "Communication services", the transmission,  
15 conveyance, or routing of voice, data, audio, video, or any  
16 other information or signals, including video services, to a  
17 point, or between or among points, by or through any

18 electronic, radio, satellite, cable, optical, microwave, or  
19 other medium or method now in existence or hereafter  
20 devised, regardless of the protocol used for such  
21 transmission or conveyance. The term "communication  
22 services" includes such transmission, conveyance, or routing  
23 for which computer processing applications are used to act  
24 on the form, code, or protocol of the content for purposes  
25 of transmission, conveyance, or routing without regard to  
26 whether such service is referred to as voice over internet  
27 protocol services or is classified by the Federal  
28 Communications Commission as enhanced or value-added. The  
29 term "communication services" shall not include:

- 30 (a) Information services;
- 31 (b) Installation or maintenance of wiring or equipment  
32 on a customer's premises;
- 33 (c) The sale or rental of tangible personal property;
- 34 (d) The sale of advertising including, but not limited  
35 to, directory advertising;
- 36 (e) Bad check charges;
- 37 (f) Late payment charges;
- 38 (g) Billing and collection services; or
- 39 (h) Internet access service, email service, electronic  
40 bulletin board service, or similar online computer services;
- 41 (3) "Covered platform", a website, online service,  
42 online application, or mobile application that serves the  
43 public and:
  - 44 (a) That primarily provides a forum for user-generated  
45 content, including messages, videos, images, games, and  
46 audio files; or
  - 47 (b) For which it is in the regular course of trade or  
48 business of the website, online service, online application,

49 or mobile application to publish, curate, host, or make  
50 available content of nonconsensual altered sexual depictions;

51 (4) "Generate", to create, alter, adapt, or modify any  
52 image by electronic, mechanical, or other computer-generated  
53 means to portray an identifiable person or to offer or agree  
54 to do the same;

55 (5) "Identifiable person", a person who is  
56 recognizable as an actual person by the person's face,  
57 likeness, or other distinguishing characteristic, such as a  
58 unique birthmark, or other recognizable feature;

59 (6) "Nude body parts", the human male or female  
60 genitals, pubic area, or buttocks with less than fully  
61 opaque covering; or the female breast with less than a fully  
62 opaque covering of any portion thereof below the top of the  
63 nipple; or the depiction of covered male genitals in a  
64 discernibly turgid state. The term "nude body parts" does  
65 not include a breast-feeding mother;

66 (7) "Promote", to issue, sell, give, provide, lend,  
67 mail, deliver, transfer, transmit, transmute, publish,  
68 distribute, circulate, disseminate, present, exhibit, send,  
69 post, share, or advertise or to offer or agree to do the  
70 same;

71 (8) "Visual depiction", includes, but is not limited  
72 to, a photograph, picture, image, motion picture, film,  
73 video, or other visual representation.

74 2. A person commits the offense of generating,  
75 soliciting, or promoting or possessing with the intent to  
76 promote an altered sexual depiction of an identifiable  
77 person if the person:

78 (1) Generates any altered sexual depiction of an  
79 identifiable person without the consent of the identifiable  
80 person;

(2) Solicits any altered sexual depiction of an identifiable person without the consent of the identifiable person and knows or reasonably should know that such visual depiction is an altered sexual depiction; or

(3) Willfully and maliciously promotes, or possesses with the intent to maliciously promote, any altered sexual depiction of an identifiable person without the consent of the identifiable person and knows or reasonably should know that such visual depiction is an altered sexual depiction.

3. The offense of generating, soliciting, or promoting or possessing with the intent to promote an altered sexual depiction of an identifiable person is a class C felony.

4. Every act, thing, or transaction prohibited by this section constitutes a separate offense and is punishable as such.

5. The presence of a disclaimer within an altered sexual depiction that notifies a viewer that the person or persons depicted did not consent to or participate in the generation or promotion of the material, or that the person or persons depicted did not actually perform the actions portrayed, is not a defense and does not relieve a person of criminal liability under this section.

6. An aggrieved person may initiate a civil action against a person who violates subdivision (1) or (3) of subsection 2 of this section to obtain appropriate relief in order to prevent or remedy such violation, including all of the following:

(1) Injunctive relief;

(2) Monetary damages to include ten thousand dollars or actual damages incurred as a result of a violation of subdivision (1) or (3) of subsection 2 of this section, whichever is greater; and

113 (3) Reasonable attorney's fees and costs.

114 7. (1) No later than December 31, 2026, a covered

115 platform shall establish a process whereby an identifiable

116 person or an authorized person acting on behalf of such

117 identifiable person may:

118 (a) Notify the covered platform of an altered sexual

119 depiction published on the covered platform that includes a

120 depiction of the identifiable person and was published

121 without the consent of the identifiable person; and

122 (b) Submit a request for the covered platform to

123 remove such altered sexual depiction.

124 (2) A notification and request for removal of an

125 altered sexual depiction submitted under subdivision (1) of

126 this subsection shall include, in writing:

127 (a) A physical or electronic signature of the

128 identifiable person or authorized person;

129 (b) An identification of, and information reasonably

130 sufficient for the covered platform to locate, the altered

131 sexual depiction of the identifiable person;

132 (c) A brief statement that the identifiable person has

133 a good faith belief that any altered sexual depiction

134 identified under paragraph (b) of this subdivision is not

135 consensual, including any relevant information for the

136 covered platform to determine the altered sexual depiction

137 was published without the consent of the identifiable

138 person; and

139 (d) Information sufficient to enable the covered

140 platform to contact the identifiable person or authorized

141 person.

142 (3) A covered platform shall provide on the platform a

143 clear and conspicuous notice, which may be provided through

144 a clear and conspicuous link to another web page or

145 disclosure, of the notification and removal process  
146 established under subdivision (1) of this subsection that:

147 (a) Is easy to read and in plain language; and

148 (b) Provides information regarding the

149 responsibilities of the covered platform under this  
150 subsection, including a description of how a person can  
151 submit a notification and request for removal.

152 (4) Upon receiving a valid removal request from an  
153 identifiable person or an authorized person using the  
154 process described in subdivision (1) of this subsection, a  
155 covered platform shall, as soon as practicable, but not  
156 later than forty-eight hours after receiving such request:

157 (a) Remove the altered sexual depiction; and

158 (b) Make reasonable efforts to identify and remove any  
159 known identical copies of such altered sexual depiction.

160 (5) A covered platform shall not be liable for any  
161 claim based on the covered platform's good faith disabling  
162 of access to, or removal of, material claimed to be a  
163 nonconsensual altered sexual depiction based on facts or  
164 circumstances from which the unlawful publishing of an  
165 altered sexual depiction is apparent, regardless of whether  
166 the altered sexual depiction is ultimately determined to be  
167 unlawful.

168 (6) In addition to the remedies under subsection 6 of  
169 this section, a failure to reasonably comply with the notice  
170 and removal obligations under this subsection shall be  
171 treated as an unfair practice under section 407.020, and the  
172 person or entity responsible shall be subject to the  
173 penalties provided in section 407.020.

174 (7) This subsection shall not apply to the following:

175 (a) An information service or a telecommunications  
176 service, as those terms are defined in 47 U.S.C. Section

177 153, providing services for content provided by another  
178 person;

179 (b) Email;

180 (c) Except as provided in paragraph (b) of subdivision  
181 (3) of subsection 1 of this section, an online service,  
182 application, or website:

183 a. That consists primarily of content that is not user  
184 generated but is preselected by the provider of such online  
185 service, application, or website; and

186 b. For which any chat, comment, or interactive  
187 functionality is incidental to, directly related to, or  
188 dependent on the provision of the content described in  
189 subparagraph a. of this paragraph.

190 8. The criminal and civil penalties provided in this  
191 section shall not apply to:

192 (1) A provider of an interactive computer service as  
193 defined in 47 U.S.C. Section 230(f)(2), of an information  
194 service as defined in 47 U.S.C. Section 153, or of a  
195 communications service that provides the transmission,  
196 storage, or caching of electronic communications or messages  
197 of others; another related telecommunications or commercial  
198 mobile radio service; or content provided by another person;

199 (2) A law enforcement officer as defined in section  
200 590.502, or any local, state, federal, or military law  
201 enforcement agency engaged in the performance of his or her  
202 duties as a law enforcement officer or the duties of the law  
203 enforcement agency;

204 (3) A person reporting unlawful activity; or

205 (4) A person participating in a hearing, trial, or  
206 other legal proceeding.

207 9. A violation of this section is committed within  
208 this state if any conduct that is an element of the offense,

209 or any harm to the depicted person resulting from the  
210 offense, occurs within this state.

211 10. Prosecution of a person for an offense under this  
212 section shall not preclude prosecution of that person in  
213 this state for a violation of any other law of this state,  
214 including a law providing for greater penalties than  
215 prescribed in this section or any other crime related to  
216 child pornography, sexual performance by a child, or sexual  
217 exploitation of a minor.

✓