



# Ohio Prosecuting Attorneys Association

Louis Tobin  
Executive Director  
House Bill 295  
Proponent Testimony  
April 23, 2024

Chair Abrams, Vice-Chair Williams, Ranking Member Brown and members of the House Criminal Justice Committee, I appreciate the opportunity to offer our support for the portion of House Bill 295 that updates Ohio law on the nonconsensual sharing of private sexual images to address the rise in artificial intelligence and “deepfakes.”

It should come as no surprise to any of us that technology moves faster than the law and that we are constantly playing catch up. The newest front in that battle is the rapid growth in artificial intelligence and its ability to generate images that are so realistic that they are indistinguishable or practically indistinguishable from the real thing. Our Association has spent a significant amount of time recently discussing these issues and while there are many policy areas that are ripe for legislation the two things that prosecutors would most like to address are artificial child pornography and the distribution of deepfake sexual images.

Digitally altered or completely faked images have become more and more prevalent over the last 18 months. Yet there is lack of clarity about these images illegality. Just yesterday, the New York Times ran a story “Spurred by Teen Girls, States Move to Ban Deepfake Nudes” that noted among other things that legislators in more than two dozen states are grappling with this issue.<sup>1</sup> Last Fall, the Wall Street Journal ran a story, Fake Nudes of Real Students Cause an Uproar at a New Jersey High School” that discussed the impact of these deepfakes on the teenage victims who felt “humiliated and powerless” and were concerned about what would happen if the images surfaced later in life.<sup>2</sup>

The nonconsensual sharing of these images, like the nonconsensual sharing of real images, is a form of harassment and bullying that can have long term consequences. What is even more troubling about generative AI is that even the image itself can be easily generated and generated without the consent of the person depicted. Multiple people can be victimized with ease. Another current issue prosecutors have started to face is something called ‘sextortion’ where children and teens are threatened and coerced with sexually explicit material. This has led to some tragic consequences for

---

<sup>1</sup> <https://www.nytimes.com/2024/04/22/technology/deepfake-ai-nudes-high-school-laws.html?smid=nytcore-ios-share&referringSource=articleShare>

<sup>2</sup> [https://www.wsj.com/tech/fake-nudes-of-real-students-cause-an-uproar-at-a-new-jersey-high-school-df10f1bb?st=k2sxxqinu0p13z1&reflink=desktopwebshare\\_permalink](https://www.wsj.com/tech/fake-nudes-of-real-students-cause-an-uproar-at-a-new-jersey-high-school-df10f1bb?st=k2sxxqinu0p13z1&reflink=desktopwebshare_permalink)

victims, including suicide, and is something that we are likely going to deal with more and more with the spread of these artificially generated images. House Bill 295 would help address this problem as well.

Lastly, I know that House Bill 295 also enacts a law that requires pornography websites to use age verification technology to help prevent minors from accessing pornography on the internet. I have talked with Rep. Demetriou about this part of the bill and worked with him on changes that were included in the sub-bill that I think make it more legally sound. We are having ongoing discussions with his office about this part of the bill and concerns that we have about the enforceability of this section as well as possible first amendment implications.

Nevertheless, the changes to R.C. 2917.211 are critical to our ability to protect people from harassment and bullying and to hold people accountable for an act that could have serious long term consequences for victims.

I would be happy to answer any questions.