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Ohio House Technology and Innovation Committee
77 S. High St., 13th Floor
Columbus, OH 43215

Dear Chairman Claggett, and members of the House Technology and Innovation Committee,

I write to you today to express support for House Bill 84, the “Innocence Act,” which seeks to protect one of our most vulnerable populations – our children.

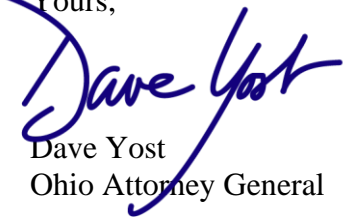
Artificial intelligence is a new tool that is rapidly outpacing mankind’s ability to comprehend its capabilities and limitations. Amidst the realization of the benefits of new technology, it is critical that we consider the potential for misuse, and study how new technology might be used for the furtherance of criminal activity. In September of 2023, my colleagues and I, acting as members of the National Association of Attorneys General penned a letter to the United States Congress sharing a collective concern and subsequent call to action regarding the potential for child exploitation through the use of artificial intelligence. The dangers posed by child exploitation in an environment where children are increasing their time and digital footprint online, warrant attention and swift action. House Bill 84 represents a proactive step in the direction of deterrence of this type of crime in Ohio.

The rising prevalence of “deep fakes,” wherein facial appearances of an individual are manipulated through the use of artificial intelligence to create content depicting the victim in a manner to which they did not consent, represents a relevant example of the dangerous ways technology is used to harm, rather than to help. The advanced nature of this technology has the potential to be highly pernicious to a person whose likeness is being used without their consent – specifically for a population who cannot legally consent to much of anything. House Bill 84 addresses this by establishing a new felony offense to be known as “nonconsensual dissemination of fabricated sexual images.” This new offense will empower prosecutors faced with cases involving sexually-oriented “deep fakes” to seek the proper penalties for this new type of crime. Laudably, the penalty for disseminating of fabricated sexual images can be increased if the offender has been charged with a sexually-oriented or child-victim offense in the past.

House Bill 84 also seeks to restrict a child’s access to pornographic webpages by placing the burden to verify a user’s age on the providers of online adult content. This language is appropriate, provided that the age verification methods employed by the content distributors are minimally invasive and abide by the anti-retention time parameters set forth in the bill. House Bill 84 fittingly provides for a private right of action for each offense established under the bill.

I commend State Representatives Demetriou and Williams for their leadership in introducing this important piece of legislation. Please do not hesitate to contact my office with any additional questions.

Yours,

A handwritten signature in blue ink that reads "Dave Yost". The signature is stylized with a large, sweeping "D" and a cursive "Yost".

Dave Yost
Ohio Attorney General