



# Ohio Prosecuting Attorneys Association

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Senate Bill 163  
Proponent Testimony  
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Chairman Manning, Vice-Chair Reynolds, Ranking Member Hicks-Hudson and members of the Senate Judiciary Committee thank you for the opportunity to provide proponent testimony on Senate Bill 163 that, most significantly to our Association, adds prohibitions on the creation, possession, and distribution of artificially generated depictions of minor children that are obscene, sexually oriented, or nudity oriented.

As this committee knows, the use and capabilities of artificial intelligence have expanded substantially over the last few years. One of these capabilities is the ability to produce images and videos that are indistinguishable or practically indistinguishable from the real thing. Some individuals are using this technology for malicious purposes by generating artificial child sexual abuse material (CSAM) otherwise known as child pornography. According the National Center for Missing and Exploited Children (NCMEC), over the past two years their CyberTipline has received more than 7,000 child sexual exploitation reports involving generative AI. They expect these numbers to continue to grow.<sup>1</sup>

Because of the realistic nature of these generated photos and videos, they can cause serious harm to real individuals who they depict, including harassment, bullying, and psychological and emotional harm. Again, according to NCMEC these images are being used for things like creating fake accounts on social media to communicate with kids with intent to commit a sexual offense, sextortion, and bullying and peer victimization through revenge pornography.<sup>2</sup> These acts can cause significant harm to their victims and they are particularly malicious in that they target one of our vulnerable populations, kids.

As of last month, 38 states, including every state surrounding Ohio, have enacted laws that criminalize the creation, possession, or distribution of artificially generated CSAM in some form or fashion.<sup>3</sup> Senate Bill 163 would add Ohio to this list of states. The bill does this by adding prohibitions on artificially generated depictions of minors to the crimes of pandering obscenity, pandering sexually oriented matter, and illegal use of a minor or impaired person in nudity oriented materials, the penalties for which range from a second

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<sup>1</sup> <https://www.missingkids.org/theissues/generative-ai>

<sup>2</sup> Id.

<sup>3</sup> <https://enoughabuse.org/get-vocal/laws-by-state/state-laws-criminalizing-ai-generated-or-computer-edited-child-sexual-abuse-material-csam>

degree felony to a fifth degree felony, providing some real teeth for law enforcement and prosecutors as they investigate and prosecute these crimes.

On behalf of Ohio prosecutors I want to thank Sen. Blessing and Sen. Johnson for taking this issue on and for seeking to protect Ohio children from the negative consequences of this technology. We appreciate their advocacy and encourage the committee's favorable consideration of the bill.

I would be happy to answer any questions.