Ohio Prosecuting Attorneys Association

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Senate Bill 393
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 393 that includes several changes to Chapter 2907 as well as updates to prohibitions on sexual conduct with an animal.

Child Sexual Abuse Material

First, Senate Bill 393 contains critical changes to crimes related to child pornography. Changes include updates to address artificially generated depictions of minors and mandatory sentences and sentence enhancements for child pornography that depicts offenses of violence, that depicts children under the age of 13, and for offenders who possessed one hundred or more images. According to the National Center for Missing and Exploited Children (NCMEC), "67% of CSAM survivors said the distribution of their images impacts them differently than the hands-on abuse they suffered because the distribution never ends and the images are permanent."[1] Additionally, the NCMEC cites studies showing that (1) prepubescent children are at the greatest risk to be depicted in CSAM and (2) when boys are victimized they are much more likely than girls to be subjected to very explicit or egregious abuse.[2] Senate Bill 393 will help ensure accountability for offenders who engage in these forms of the offense against the most vulnerable victims and will help prevent future victimization.

Changes in the bill also update our child pornography laws to address crimes resulting from artificial intelligence. 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 depiction of child sexual abuse. Just to highlight how substantial this problem has become in 2023 NCMEC's CyberTipline received 4,700 reports of artificial CSAM. By 2024 this had risen to 67,000 reports. For 2025 NCMEC received 7,000+ reports of users generating or possessing artificial CSAM, 30,000+ report of users attempting to general artificial

[1] https://www.missingkids.org/theissues/csam
[2] Id.

CSAM by uploading a file and using text prompts, 145,000+ reports of users using artificial intelligence to engage or alter a CSAM file, and 3,000+ reports relating to other forms of child sexual exploitation through other forms of artificial intelligence like chat-based exploitation. child sexual exploitation reports involving generative AI.[3]

Because of the realistic nature of these generated photos and videos, they can cause serious harm to the real children who they depict, including harassment, bullying, and psychological and emotional harm. 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.[4] 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 August 2025, 45 states had enacted laws that criminalize the creation, possession, or distribution of artificially generated CSAM in some form or fashion.[5] Ohio is one of the five remaining states that have not addressed this.

Sexting

The bill also makes changes to address the act of "sexting" under certain limited circumstances. While this activity is somewhat widespread, it is not something that should be taken lightly. Parents get highly upset when they find out about it, communities don't like it, and it creates a variety of dangers for the teenagers who engage in it including risks related to cyberbullying and sextortion. As with CSAM these are images that once they are out there they are permanent and distribution could be endless. Prosecutors have wide latitude when dealing with this issue and consequences can range anywhere from diversion to an adjudication for pandering obscenity involving a minor. These are highly fact dependent cases where sexting between only a boyfriend and girlfriend might be viewed as something with less culpability than an aggrieved ex who sends pictures of their ex to an entire school. Prosecutors need discretion to navigate different sets of facts.

The sexting provisions of Senate Bill 393 we think maintain our discretion while creating a new misdemeanor charging option for first time offenders who are 14 years of age or older but less than 18 years of age who are sharing images of themselves with someone who has agreed to that. There will still be accountability for this with the hope that the individuals involved will learn their lesson and be deterred from future sexting.

Unlawful Sexual Conduct and Gross Sexual Imposition

Next, the bill creates a close-in-age exception within the offenses of unlawful sexual conduct with a minor and gross sexual imposition. Under current law, it is prohibited to engage in sexual conduct with a minor

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[3] https://www.missingkids.org/theissues/generative-ai

[4] Id.

[5] https://enoughabuse.org/get-vocal/laws-by-state/state-laws-criminalizing-ai-generated-or-computer-edited-child-sexual-abuse-material-csam

who is thirteen years of age or older but less than sixteen years of age when the offender is eighteen years of age or older. There is no similar prohibition on having sexual contact with a minor who is thirteen years of age or older but less than sixteen years of age – something we consider to be a gap in the law. Simply put, Senate Bill 393 closes this gap with regard to sexual contact and imposes new prohibitions on adults engaging in sexual conduct or sexual contact with minors who are 16 or 17 years old when the adult offender is four or more years older than the minor. Penalties for this vary based on the gap in age between the offender and the victim. In keeping with the changes regarding CSAM, this is about protecting kids, even 16- and 17- year olds kids, from predatory adult behavior.

Sexual Conduct with an Animal

Finally, the bill increases the penalty for engaging in sexual conduct with an animal from a misdemeanor of the second degree to a felony of the fifth degree, a penalty increase that we believe is warranted based on the perverse nature of this conduct and community outrage in these cases. Cases of animal sexual abuse are less frequent than cases of child sexual abuse but involve horrific facts in their own right. In 2024 in Trumbull County there was a horrific case, State v. Addicott, where the defendant was convicted of two counts of second degree felony pandering obscenity involving a minor, four counts of second degree felony pandering sexually oriented matter involving a minor, and five counts of misdemeanor sexual conduct with an animal, at least one count of which was recorded and in the presence of a child. While Addicott received a lengthy consecutive sentence for the pandering offenses he received no additional time for any of the misdemeanor counts of sexual conduct with an animal. Even though he received the maximum sentence of 90 days for each of these the misdemeanor sentences ran concurrently to each other and concurrently to the felony pandering offenses.[6] By increasing the penalty to a felony Senate Bill 393 will help ensure that these depraved acts involving sexual conduct with animals receive punishment that is more in line with what communities across Ohio expect.

For these reasons, we support Senate Bill 393 and thank the bills sponsors Sens. Manning and Timken for all of their hard work putting this bill together and advocating for the victims of these crimes. We encourage the committee's favorable consideration of the bill.

I would be happy to answer any questions.

[6] Man Sentenced to Prison on Charges of Child Sex Abuse, Sex With Dog, WKBN 27