

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5399H.03D
 Bill No.: Perfected HCS for HB Nos. 1887, 2361, 1913, 2862 & 2321 with HPA 1
 Subject: Crimes and Punishment; Criminal Procedure; Science and Technology; Civil Procedure
 Type: Original
 Date: April 21, 2026

Bill Summary: This proposal creates the offense of and civil penalties for disclosure of intimate digital depictions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
General Revenue*	(\$287,344 to Unknown)	(\$703,419 to Unknown)	(\$1,143,941 to Unknown)	(\$2,156,485 to Unknown)
Total Estimated Net Effect on General Revenue	(\$287,344 to Unknown)	(\$703,419 to Unknown)	(\$1,143,941 to Unknown)	(\$2,156,485 to Unknown)

*DOC notes that current capacity will be met by July 2029 (FY 2030) or potentially much sooner. Therefore, Oversight has made the decision to reflect the marginal cost of incarceration up to an unknown cost if DOC needs to add staff and/or rehabilitate, expand or construct additional capacity. Oversight assumes the unknown cost has the potential to exceed \$250,000.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
Merchandising Practices Revolving*	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Total Estimated Net Effect on <u>Other State Funds</u>	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

*Potential unknown violation/fines collected by the AGO assumed to be less than \$250,000 annually.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
Total Estimated Net Effect on <u>All Federal Funds</u>	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
General Revenue	0 FTE	0 FTE	1 FTE	2 FTE
Total Estimated Net Effect on FTE	0 FTE	0 FTE	1 FTE	2 FTE

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

House Perfecting Amendment 1

Oversight assumes House Perfecting Amendment (HPA) 1 makes a technical correction and will have no fiscal impact on state or local governments.

House Amendment (HA) 1

Oversight assumes House Amendment 1 is a title change and will have no fiscal impact on state or local governments.

House Amendment (HA) 2 - §§407.3007, 407.3475, 537.039, 573.010, 573.550 – Digital Media

Officials from the **Department of Corrections (DOC)** assume §407.3007 prohibits persons and entities from advertising or representing to the public that Artificial Intelligence is or is able to act as a mental health professional or is capable of providing therapy services. Any violation of this section is considered an unlawful practice under the Missouri merchandising practices act under this chapter, however, subsection 4 identifies civil penalties only.

In response to similar legislation, SB 1444 (2026), officials from the **Office of Attorney General (AGO)** assumed any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

In response to similar legislation, HB 2368 (2026), officials from the **Office of Administration - Budget and Planning (B&P)** stated this proposal creates new provisions relating to artificial intelligence in mental health and establishes civil penalties for violations. Any portion of associated penalty fees or fines that are deposited into the state treasury will impact Total State Revenue (TSR). To the extent that these provisions are enforced by the Attorney General and funds are deposited in the State Treasury, TSR may increase by an unknown amount.

Oversight notes the provisions of §407.3007.4 provide that if the AGO finds a violation of the provisions of this proposal have occurred, the AGO shall commence a civil action with civil penalties of \$10,000 for the first violation and \$20,000 for any subsequent violation. Oversight notes civil penalties for merchandising practices violations (Chapter 407) are deposited in the

Merchandising Practices Revolving Fund (1631). Oversight will reflect a \$0 or Unknown positive fiscal impact to the Merchandising Practices Revolving Fund. It is assumed additional collections resulting from these changes will be less than \$250,000 annually.

In response to similar legislation, HCS for HB 3393 and 2392 (2026), officials from the **DOC** state section 573.010 expands the definition of child pornography to include artificially generated visual depictions. Therefore, the intent of this legislation is to create new felonies under sections 573.025 (Promoting child pornography in the first degree), 573.035 (Promoting child pornography in the second degree) and 573.037 (Possession of child pornography).

Promoting child pornography in the first degree is considered a class B felony unless the person knowingly promotes such material to a minor, in which case it is a class A felony. Those found guilty under this section are ineligible for probation, parole or conditional release for a period of 3 years, however, given the time to first release is greater than 3 years for both classes and we do not estimate probation will be an option for either class, neither of these stipulations are estimated to generate an impact.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class A felony and a new class B felony.

Offenders committed to prison with a class A felony have an average sentence length of 17.1 years and serve, on average, 12.3 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The sentence lengths associated with these offenses pushes the estimate of total cumulative impact on the department beyond the 10-year time frame of this fiscal note. However, the estimated impact by FY 2036 is 10 additional offenders in prison.

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and serve, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The cumulative impact on the department is estimated to be 5 additional offenders in prison and no additional offenders on field supervision by FY 2031.

The offense of promoting child pornography in the second degree is a class D felony unless the person knowingly promotes such material to a minor, in which case it is a class B felony. No person who is found guilty of promoting child pornography in the second degree shall be eligible for probation. While this stipulation of no probation will not affect the impact of the class B felony, this will shift any assumed probations under the class D felony to assignment to prison.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class B felony and a new class D felony.

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and serve, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The cumulative impact on the department is estimated to be 5 additional offenders in prison and no additional offenders on field supervision by FY 2031.

For each new sex or child abuse related class D felony, the department estimates seven people could be sentenced to prison and four to probation. The average sentence for a sex or child abuse related class D felony offense is 6.6 years, with 4.7 years served in prison prior to first release. Probation sentences are not allowed under this section, so these four cases will be shifted to the prison population under this scenario.

The cumulative impact on the department is estimated to be 58 additional offenders in prison and 8 additional offenders on field supervision by FY 2032.

The offense of possession of child pornography is a class D felony if the person possesses one still image of child pornography or one obscene still image. The offense of possession of child pornography is a class B felony if the person:

- (1) Possesses:
 - (a) More than twenty still images of child pornography; or
 - (b) More than twenty obscene still images; or
 - (c) Child pornography comprised of one motion picture, film, videotape, videotape production, or other moving image; or
 - (d) Obscene material comprised of one motion picture, film, videotape production, or other moving image; or

- (2) Has previously been found guilty of an offense under this section.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class B felony and a new class D felony.

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and serve, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The cumulative impact on the department is estimated to be 5 additional offenders in prison and no additional offenders on field supervision by FY 2031.

For each new sex or child abuse related class D felony, the department estimates seven people could be sentenced to prison and four to probation. The average sentence for a sex or child abuse related class D felony offense is 6.6 years, with 4.7 years served in prison prior to first release. Probation sentences will be 5 years.

The cumulative impact on the department is estimated to be 37 additional offenders in prison and 25 additional offenders on field supervision by FY 2032.

§§537.043 and 573.570 – Disclosure of Digital Depictions

Officials from the **DOC** state this proposal creates the offense of and civil penalties for disclosure of intimate digital depictions.

Section 573.570 creates the offense of disclosure of a digital depiction, a class E felony, unless it is a second or subsequent offense or it is reasonable to expect that the offense could impact government activity or facilitate violence, in which case it is a class C felony. If the digital depiction is of an individual who is under eighteen years of age, the penalty is a class D felony.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class E felony, class D felony, and class C felony.

For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is

3.4 years, with 1.4 years served in prison prior to first release. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2029.

For each new nonviolent class D felony, the department estimates three people could be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years, with 1.7 years served in prison prior to first release. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 22 additional offenders on field supervision by FY 2031.

For each new class C felony, the department estimates four people could be sentenced to prison and six to probation. The average sentence for a class C felony offense is 6.9 years, with 2.1 years served prior to first release. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2030.

Section 573.570 also stipulates that failure of an information content provider to reasonably comply with the notice and removal obligations specified in this section shall be treated as an unfair practice under section 407.020, and they shall be subject to the penalties provided in section 407.020. Section 407.020 stipulates any person who willfully and knowingly engages in any act, use, employment or practice declared to be unlawful by this section with the intent to defraud shall be guilty of a class E felony.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of two new class E felony.

For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, with 1.4 years served in prison prior to first release. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2029.

Total Combined Cumulative Impact for DOC

The combined cumulative impact of this bill would be 147 additional offenders in prison and 122 additional offenders under field supervision by FY 2036.

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	31	(\$11,123)	(\$287,344)	0	\$0	19	(\$287,344)
Year 2	62	(\$11,123)	(\$703,419)	0	\$0	38	(\$703,419)
Year 3	90	(\$11,123)	(\$1,041,513)	1	(\$102,428)	60	(\$1,143,941)
Year 4	115	(\$11,123)	(\$1,357,439)	1	(\$94,995)	68	(\$1,452,434)
Year 5	137	(\$11,123)	(\$1,649,465)	1	(\$96,001)	79	(\$1,745,467)
Year 6	143	(\$11,123)	(\$1,756,139)	1	(\$97,019)	99	(\$1,853,158)
Year 7	144	(\$11,123)	(\$1,803,788)	2	(\$205,578)	116	(\$2,009,366)
Year 8	145	(\$11,123)	(\$1,852,640)	2	(\$198,177)	119	(\$2,050,818)
Year 9	146	(\$11,123)	(\$1,902,726)	2	(\$200,284)	122	(\$2,103,010)
Year 10	147	(\$11,123)	(\$1,954,073)	2	(\$202,412)	122	(\$2,156,485)

The department will assume a marginal cost (multiplied by number of offenders) for any projected increase or decrease in the incarcerated population. Marginal cost is \$30.47 per day or an annual cost of \$11,123 per offender which includes costs such as medical, food, wages and operational E&E. The unknown amount is a result of the uncertainty in the growth of the underlying offender population. The impact of any new legislation combined with the growth of the underlying population could result in the tiered approach below in order to meet the population demands.

1. Fully staffing the current capacity (27,368) which is habitable, but DOC does not have the staffing resources for all bed space.
2. Rehabilitating current space that is not currently habitable and obtaining staffing resources for that space (requires capital improvements).
3. Expanding new capacity by adding housing units or wings to existing prisons and obtaining staffing resources for that space (requires capital improvements).
4. Constructing a new prison and obtaining staffing resources. Based on current construction projects in other Midwest states, the department estimates the cost of constructing a new 1,500-bed maximum security prison at approximately \$825 million to \$900 million plus annual operating costs of approximately \$50 million (requires capital improvements).

The department's population projections indicate current physical capacity will be met by July 2029; however recent trends indicate that capacity could be met much sooner. Should new construction be the result of the increasing offender population, the full cost per day per offender would be used which is \$106.96 or an annual cost of \$39,040. This includes all items in the marginal cost calculation plus fringe, personal service, utilities, etc.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

* If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

In response to a previous version, officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Oversight notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 or (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

In response to a previous version, officials from the **Office of the State Public Defender (SPD)** stated per the National Public Defense Workload Study, the new charge contemplated by this change to Section 573.570, creating a class C felony, would take approximately fifty-seven hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional three attorneys. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel, and litigation expenses.

Additionally, the D or E felonies that are created under this same section, would require approximately thirty-five hours of SPD work for reasonably effective representation. If one hundred D or E felonies were filed under this section in a fiscal year, representation would result in a need for an additional one to two attorneys. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown.

Each case would also result in unknown increased costs in the need for core staff, travel, and litigation expenses.

Oversight assumes this proposal will not create the number of new cases required to request additional FTE for the SPD and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to a previous version, officials from the **Office of Attorney General (AGO)** assumed any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

In response to similar legislation, SB 411 (2025), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime [573.570] creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to a previous version, officials from the **Department of Public Safety – Capitol Police, Office of Administration, Office of the Secretary of State, University of Missouri System, and Northwest Missouri State University** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation, HB 2361 (2026), officials from the **City of Springfield and Blue Springs Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Responses regarding the proposed legislation as a whole, as amended

Officials from the **Department of Commerce and Insurance, Department of Mental Health, Department of Natural Resources, Department of Labor and Industrial Relations, Department of Public Safety - Missouri Highway Patrol, Department of Social Services, Missouri Department of Conservation, Missouri National Guard, City of Kansas City, St. Louis County Police Department, Phelps County Sheriff, Branson Police Department, Kansas City Police Department, and the University of Central Missouri** each assume the

proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties, local law enforcement, schools, and colleges were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT –</u> <u>State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2036)
GENERAL REVENUE				
<u>Cost – DOC</u> (§§573.010 and 573.570) p.9				
Personal Service	\$0	\$0	(\$52,554)	(\$112,688)
Fringe Benefits	\$0	\$0	(\$37,802)	(\$81,056)
Exp. & Equip.	\$0	\$0	(\$12,072)	(\$8,668)
<u>Total Costs - DOC</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$102,428)</u>	<u>(\$202,412)</u>
FTE Change - DOC	0 FTE	0 FTE	1 FTE	2 FTE
<u>Cost – DOC</u> (§§573.010 and 573.570) Increased incarceration costs p.9	(\$287,344 to Unknown)	(\$703,419 to Unknown)	(\$1,041,513 to Unknown)	(\$1,954,073 to Unknown)
<u>Cost – OSCA</u> (various sections) Increase in potential court costs p.10	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$287,344 to Unknown)	(\$703,419 to Unknown)	(\$1,143,941 to Unknown)	(\$2,156,485 to Unknown)

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2036)
Estimated Net FTE Change on General Revenue	0 FTE	0 FTE	1 FTE	2 FTE
MERCHANDISING PRACTICES REVOLVING FUND (1631)				
<u>Revenue Gain – AGO (\$407.3007)</u> Potential increase in collections for violations p.4 (HA 2)	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>
ESTIMATED NET EFFECT ON THE MERCHANDISING PRACTICES REVOLVING FUND	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2036)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

This proposal may impact small business mental health professionals if they violate the provisions of this proposal.

FISCAL DESCRIPTION

This bill prohibits any person or entity that develops or deploys artificial intelligence (AI) in this State from advertising or representing to the public that the AI is, or is able to act as, a mental

health professional or is capable of providing therapy services, psychotherapy services, or a mental health diagnosis.

A violation of this provision constitutes an unlawful practice under the Missouri merchandising practices act.

The Attorney General is required to enforce the provisions of this bill, though any individual can report violations to the Attorney General. If a violation is found to have occurred, the Attorney General must commence a civil action.

The bill provides for civil penalties as follows: (1) \$10,000 for the first violation; or (2) \$20,000 for any subsequent violation.

SOCIAL MEDIA USE BY MINORS (Section 407.3475) (HA 2)

This bill establishes the "Megan Meier Act". The term "Social media platform" is defined in the bill, but such term does not include: (1) Services primarily used for email, direct messaging, or business collaboration; (2) Educational platforms used by schools; (3) Online video gaming services; and (4) Internet service providers.

The bill prohibits a minor who is under 16 years of age from creating or maintaining an account; minors who are 16 years of age or older can hold an account only with the verified consent of a parent or legal guardian.

The bill allows for social media platforms to permit the creation of an account, but such platforms must provide parents or guardians with the option to: (1) Access and review account activity; (2) Request deletion of the minor's account; and (3) Limit messaging features between the minor and unverified adult accounts.

The bill requires social media platforms to implement a secure age-verification process for all Missouri users prior to the creation of an account and sets parameters for permissible age verification techniques. Social media platforms are required to immediately terminate any account found to belong to a person under 16 years of age.

If a verified parent or guardian requests deletion of a minor's account, the social media platform must comply within 10 business days of receiving such a request.

The bill prohibits social media platforms from: (1) Using addictive or manipulative design features specifically targeting minors; (2) Permitting direct messaging from adults to minors unless the adult is a verified contact; or (3) Serving targeted advertising to minors under 16 years of age based on personal data or behavioral profiling.

CIVIL CAUSE OF ACTION FOR SEXUALLY EXPLICIT AI (Section 537.039) (HA 2)

This bill makes it unlawful for a person or entity to: (1) Use AI to replicate or alter an image or voice of an individual to generate explicit sexual material, unless the person or entity received

express written consent; or (2) Use the likeness of an individual by using AI for explicit sexual material, unless the person or entity received express written consent.

Any individual injured through a violation of these provisions can bring a civil cause of action against the person or entity for actual damages, attorney's fees and costs.

CRIMINAL OFFENSE FOR ARTIFICIALLY GENERATED VISUAL DEPICTION (Section 573.010) (HA 2)

Currently, the criminal offense for possession or distribution of child pornography includes visual depictions in photographs, films, videos, pictures, or computer-generated images that involves: (1) The production of such visual depiction in which a minor is engaging in sexually explicit conduct; (2) The use of digital, computer, or computer-generated images that depicts a minor engaging in sexually explicit conduct; or (3) The creation, adaptation, or modification of a visual depiction that shows an identifiable minor engaging in sexually explicit conduct.

This bill adds "artificially generated visual depiction", as defined in the bill, to the definition of "child pornography".

Currently, the definition of "material" in relation to pornography criminal offenses includes, but is not limited to, anything printed or written, pictures, drawings, photographs, films, videotapes or videotape productions, and pictorial representations. This bill adds "artificially generated visual depiction" to the definition.

CRIMINAL OFFENSE FOR EXPLICIT SEXUAL MATERIAL (Section 573.550) (HA 2)

Currently, the definition of "explicit sexual material" in relation to explicit sexual material criminal offenses includes, but is not limited to, any pictorial, three-dimensional, or visual depictions. This bill adds "artificially generated visual depiction" to the definition.

DISCLOSURE OF DIGITAL DEPICTIONS (Sections 537.043 and 573.570)

This bill creates a civil cause of action against a person who discloses a digital depiction, as defined in the bill, of an individual who is under 18 years of age or an intimate digital depiction, as defined in the bill, of an individual and who knows or recklessly disregards the fact that the individual has not consented to such disclosure.

The depicted individual may recover damages, as specified in the bill, along with injunctive relief. An action cannot be brought if the disclosure was made in good faith to or by a law enforcement officer in the course of reporting or investigating unlawful conduct or as part of a legal proceeding; or if the disclosure was a matter of legitimate public concern or interest or if the disclosure reasonably intended to assist the depicted individual.

A civil action can also be brought against a parent or legal guardian who discloses an intimate digital depiction of his or her child.

The bill also creates the criminal offense of disclosure of a digital depiction. A person commits the offense if the person discloses, or threatens to disclose:

- (1) A digital depiction of an individual; or
- (2) An intimate digital depiction with the intent to harass, annoy, threaten, alarm, or cause substantial harm to the finances or reputation of the depicted individual or with the actual knowledge that or reckless disregard for whether the disclosure or threat of disclosure will cause harm to the depicted individual.

A person will be guilty of a Class E felony for the first offense or a Class C felony for any second and subsequent offenses.

A person will be guilty of a Class D felony if the digital depiction is of an individual under 18 years of age.

The criminal penalties will apply to any parent or legal guardian who discloses an intimate digital depiction of his or her child.

It will not be a defense in a civil or criminal proceeding that there is a disclaimer stating that the digital depiction was unauthorized or that the depicted individual did not participate in the creation or development of the digital depiction.

No later than December 31, 2026, an information content provider, as defined in the bill, must establish a process in which a depicted person can request the removal of a published digital depiction or an intimate digital depiction. Once the information content provider receives such a request, it must follow certain procedures, as described in the bill; however, the information content provider and certain other entities, as described in the bill, will not be held liable for such depictions.

The criminal penalties will not apply to certain Federally defined interactive computer services, law enforcement, a person reporting unlawful activity, or a person participating in a hearing, trial, or other legal proceeding.

This legislation is not federally mandated, would not duplicate any other program and may require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Commerce and Insurance
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Labor and Industrial Relations

Department of Public Safety –
 Capitol Police
 Missouri Highway Patrol
Department of Social Services
Missouri Department of Conservation
Missouri National Guard
Office of Administration
Office of Administration - Budget and Planning
Office of the State Courts Administrator
Office of the Secretary of State
Office of the State Public Defender
University of Missouri System
Missouri Office of Prosecution Services
City of Kansas City
City of Springfield
Phelps County Sheriff
Branson Police Department
Blue Springs Police Department
Kansas City Police Department
St. Louis County Police Department
Northwest Missouri State University
University of Central Missouri



Julie Morff
Director
April 21, 2026



Jessica Harris
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