HCS HBs 1887, 2361, 1913, 2862 & 2321 -- DISCLOSURE OF DIGITAL DEPICTIONS

SPONSOR: Hausman

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Emerging Issues by a vote of 10 to 0 with 1 member voting present.

The following is a summary of the House Committee Substitute for HBs 1887, 2361, 1913, 2862 & 2321.

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 bill is similar to SB 1117 (2026).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill will empower victims of sexualized online content. Such content can cause tremendous harm to minors, especially with the ease of AI-generated technology. Supporters further state that many of the sexualized images are used not only to exploit underage victims, but to extort those whose likeness is improperly used. Supporters also state that having escalating criminal punishments for offenders will send a clear message that such content is out of bounds.

Testifying in person for the bill was Representative Hausman.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.