

HB 2321 -- CONTENT CREATED THROUGH THE USE OF ARTIFICIAL INTELLIGENCE

SPONSOR: Lucas

This bill establishes the "AI-Generated Content Accountability and Privacy Protection Act of 2026".

Any person who knowingly publishes, distributes, or makes publicly available any "algorithmically generated or altered content", as that term is defined in the bill, that represents a depicted individual without the individual's consent will be subject to:

- (1) A prison term of up to two years; or
- (2) A fine of up to \$20,000; or both.

If the violation described above occurs through an "online public communication platform", as that term is defined in the bill, the person will be subject to:

- (1) A prison term of up to two years; or
- (2) A fine of up to \$50,000; or both.

Any person who knowingly creates, publishes, or distributes any algorithmically generated or altered content of a sexual or pornographic nature without the consent of a depicted individual will be subject to:

- (1) A prison term of up to two years; or
- (2) A fine of up to \$65,000; or both.

If the violation described above occurs through an online public communication platform the person will be subject to:

- (1) A prison term of up to three years; or
- (2) A fine of up to \$80,000; or both.

If the violation described above involves the distribution of an algorithmically generated or altered content that is sexual or pornographic in nature and results in serious harm to the dignity, reputation, or safety of the depicted individual, the person will be subject to:

(1) A prison term of up to five years; or

(2) A fine of up to \$110,000; or both.

The provisions of this bill will not apply to:

(1) Content that is clearly artistic, parodic, satirical, or intended for legitimate public interest or educational purposes;

(2) Synthetic content created or shared without intent to harm and that does not cause material injury to the dignity, reputation, or privacy of the person depicted; or

(3) Content used for bona fide research, journalism, or technological testing.

If an age verification system is used, such a system must comply with certain regulations, as described in the bill.

The Attorney General must submit a report to the General Assembly on or before August 28, 2028, assessing certain provisions, as described in the bill.