



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1887		DATE: 2/16/2026	
COMMITTEE: Emerging Issues			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: BYRON KEELIN		PHONE NUMBER: 314-402-0655	
BUSINESS/ORGANIZATION NAME: FREEDOM PRINCIPLE		TITLE: PRESIDENT	
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EMAIL: freedomprinciplemo@protonmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/16/2026 10:57 AM	

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The Freedom Principle strongly supports the following bills to address the growing harms of artificially generated materials created or altered through artificial intelligence (AI): HB 2321, HB 2035, HB 2350, HB 2361, HB 1913, and HB 2862. (Note: HB 1187 does not appear directly related to AI-generated content based on available information, but I support any provisions that protect individuals from misuse of emerging technologies.)

These bills collectively tackle one of the most urgent emerging issues of our time: the proliferation of AI-generated or AI-altered images, videos, and audio that depict real people—often without their knowledge or consent. This includes non-consensual intimate/sexual depictions (deepfake pornography), synthetic child sexual abuse material, unauthorized use of a person’s likeness or voice, and deceptive digital impersonation.

Key Common Themes Across These Bills

- Consent and privacy protections — HB 2321 (AI-Generated Content Accountability and Privacy Protection Act) requires explicit consent for publishing AI-generated or altered content depicting an individual and imposes meaningful penalties for violations, with higher penalties for sexual/pornographic content.
- Criminalization of non-consensual altered sexual content — HB 2035, HB 2350, and HB 2361 close dangerous loopholes by treating AI-generated or altered explicit depictions (including of minors) as equivalent to traditional child pornography or sexual offenses, and by making the knowing creation, distribution, or promotion of non-consensual “altered sexual depictions” a felony.
- Disclosure and civil remedies — HB 1913 creates offenses and civil penalties for the unauthorized disclosure of intimate digital depictions. HB 2862 prohibits digital impersonation and provides for injunctive relief and civil actions.

These measures are narrowly tailored, include appropriate exemptions (artistic, parody, journalistic, research, etc., often with required disclosure), and focus on harm caused by lack of consent or malicious intent. They do not ban AI technology itself—only its abusive applications that violate privacy, dignity, and safety.

Why These Bills Matter

AI tools now allow anyone with a smartphone to create hyper-realistic fake videos or images of real people in explicit, violent, or humiliating situations within minutes. Victims—disproportionately women, minors, educators, public figures, and private citizens—suffer severe emotional trauma,

reputational damage, job loss, and increased risk of physical harm. Current Missouri law was written before these tools existed and leaves too many victims without recourse.

Missouri has a responsibility to act swiftly. These bills send a clear message: technological innovation is welcome, but it must not come at the expense of human dignity and consent. They align with similar protections already enacted or advancing in other states and provide Missourians with both criminal deterrence and civil remedies.

We urge the committee to give these bills a do-pass recommendation so they can move forward and provide timely protections before the harms become even more widespread.



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WITNESS NAME			
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WITNESS NAME: JOANNE SCHRADER		PHONE NUMBER:	
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THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo. Pornography is a pernicious harm.			



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WITNESS NAME			
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WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
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THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

Chair and Members of the Committee:

This testimony is submitted to formally document constitutional exposure and drafting vulnerabilities associated with House Bill No. 1887 prior to enactment.

The underlying policy objective—addressing nonconsensual intimate digital depictions—is legitimate and compelling.

However, as drafted, HB 1887 presents identifiable litigation risk in five principal areas.

I. Content-Based Criminalization – Strict Scrutiny Trigger

HB 1887 criminalizes the disclosure of certain “digital depictions” based on their expressive content and the identity of the subject.

Content-based restrictions on speech are subject to strict scrutiny.

Reed v. Town of Gilbert, 576 U.S. 155 (2015).

While the state’s interest in protecting individuals from nonconsensual exploitation is compelling, strict scrutiny requires:

- Narrow tailoring
- Clear definitional boundaries
- Least restrictive means

The following provisions create overbreadth vulnerability:

Criminalizing disclosure of any digital depiction of a minor (573.570.2(1)) without requiring sexual content.

The “reckless disregard” harm standard tied to reputational or emotional harm.

The enhancement provision tied to potential impact on government proceedings.

Without narrowing construction, a facial First Amendment challenge is foreseeable.

II. Overbreadth – Minor Depiction Provision

Section 573.570.2(1) criminalizes disclosure of “a digital depiction of a depicted individual who is under the age of eighteen” without limiting the offense to sexually explicit material.

As written, this provision could theoretically encompass:

Digitally altered but nonsexual images,

Satirical or artistic works,

Political commentary involving minors.

Courts are particularly protective of speech involving public concern and political expression.

This section is highly vulnerable to overbreadth challenge under United States v. Stevens, 559 U.S. 460 (2010).

III. Vagueness – Harm and Intent Standards

The bill criminalizes disclosure where a person:

Intends to “harass, annoy, threaten, alarm,” or

Acts with reckless disregard for reputational or emotional harm.

In expressive contexts, vague intent standards increase the risk of arbitrary enforcement.

See Grayned v. City of Rockford, 408 U.S. 104 (1972).

Terms such as:

“Substantial harm to finances”

“Reputational harm”

“Legitimate public concern”

lack defined objective criteria.

Vagueness + felony penalties = litigation exposure.

IV. Civil Damages – Due Process Proportionality Risk

The statute provides:

\$150,000 liquidated damages (minimum),

Punitive damages,

Attorney’s fees,

Disgorgement of profits.

Statutory damages are permissible, but disproportionate penalties may violate substantive due process.

BMW of North America, Inc. v. Gore, 517 U.S. 559 (1996).

Without proportionality guardrails, this section invites constitutional challenge.

V. Section 230 & Federal Preemption

The bill attempts to preserve immunity for interactive computer services consistent with 47 U.S.C. § 230.

However:

If enforcement indirectly penalizes hosting platforms,

Or if civil liability expands beyond information content providers,

preemption challenges are foreseeable.

Courts scrutinize state attempts to regulate internet speech closely.

VI. Title & Legislative Intent Risk

The decision to codify the statute as “The Taylor Swift Act” is not legally fatal, but it may be cited in

litigation to argue:

**The statute was reactive rather than narrowly drafted,
The law was motivated by high-profile speech incidents,
Or the law is symbolic rather than carefully tailored.**

Legislative naming choices are frequently cited in judicial opinions assessing legislative intent.

Foreseeable Litigation Exposure:

If enacted as drafted:

Pre-enforcement First Amendment challenge is likely.

As-applied criminal challenges are foreseeable.

Civil rights fee exposure under 42 U.S.C. § 1988 is possible.

Injunction risk prior to full enforcement is real.

This is not theoretical risk. Courts are actively reviewing similar statutes nationwide.

Legislative Record Notice:

This testimony is submitted to formally document:

**Strict scrutiny exposure,
Overbreadth risk regarding minor depictions,
Vagueness concerns,
Due process proportionality issues,
Federal preemption sensitivity.**

Addressing these issues at the drafting stage will materially reduce litigation cost to the State of Missouri.

Failure to do so may result in avoidable constitutional challenge.