



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1913		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		
INDIVIDUAL:		
WITNESS NAME: JOANNE SCHRADER		PHONE NUMBER:
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Pornography is a pernicious harm.



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WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
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This testimony is submitted to formally document foreseeable constitutional exposure and statutory tension associated with House Bill No. 1913 prior to enactment.

HB 1913 addresses serious and legitimate harms arising from nonconsensual intimate digital depictions. However, as drafted, several provisions create identifiable litigation risk under the First Amendment, Due Process Clause, and federal immunity doctrines.

I. Content-Based Regulation – Strict Scrutiny Risk

Sections 537.043 and 573.570 regulate expressive content based on subject matter (intimate digital depictions) and speaker intent.

Content-based speech restrictions are presumptively unconstitutional and subject to strict scrutiny. *Reed v. Town of Gilbert*, 576 U.S. 155 (2015).

Although the state possesses a compelling interest in preventing nonconsensual sexual exploitation, courts will evaluate whether the statute is narrowly tailored and employs the least restrictive means.

The current drafting leaves open overbreadth challenges, particularly regarding:

The definition of “legitimate public concern”

The enhancement tied to potential impact on governmental proceedings

The reckless disregard standard in expressive contexts

Without narrowing construction, facial challenge is foreseeable.

II. Vagueness – Mens Rea and Harm Standards

Criminal liability attaches where a person acts with “reckless disregard” that disclosure will cause emotional, reputational, or economic harm.

Where speech is involved, vague standards invite constitutional challenge. See *Grayned v. City of Rockford*, 408 U.S. 104 (1972).

Terms such as:

“Substantial harm”

“Reputational harm”

“Legitimate public concern”

are not defined with objective limiting criteria.

Ambiguity in expressive crimes increases the likelihood of arbitrary enforcement and selective prosecution claims.

III. Civil Damages – Proportionality Exposure

The liquidated damages provision sets a \$150,000 recovery floor without proof of actual damages.

While statutory damages are permissible, disproportionate awards may trigger due process scrutiny under *BMW of North America, Inc. v. Gore*, 517 U.S. 559 (1996), particularly where harm is non-economic and fact-sensitive.

Clarifying factors for proportionality review would reduce risk.

IV. Federal Preemption & Section 230 Interface

The bill appropriately attempts to preserve immunity under 47 U.S.C. § 230(f)(2).

However, courts will scrutinize whether removal obligations or liability structures indirectly burden interactive computer services beyond federal limits.

Litigation in this area is active nationwide.

Drafting precision is essential to avoid preemption challenges.

V. Foreseeability of Litigation

If enacted in current form:

Pre-enforcement constitutional challenge is foreseeable.

As-applied criminal challenges are likely.

Civil rights fee exposure under 42 U.S.C. § 1988 is possible if constitutional infirmities are found.

This is not speculative risk; similar statutes in other jurisdictions have already faced judicial scrutiny.

Legislative Record Preservation:

This notice is submitted to ensure the General Assembly is on formal notice of:

**Identifiable First Amendment scrutiny;
Due process vagueness concerns;
Proportionality exposure in statutory damages; and
Potential federal preemption tension.**

Failure to address these issues at the drafting stage may result in avoidable litigation costs borne by the state.