



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2035		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	
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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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Modern technology provides the unprecedented ability for individuals to create illicit sexual material. This would update our law to better address a new way of producing this material.



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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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Chair and Members of the Committee:

HB 2035 addresses a real and growing harm: the use of artificial intelligence to create non-consensual explicit material.

The objective is defensible.

The drafting, however, introduces structural constitutional vulnerabilities that will be tested immediately.

This analysis identifies where the bill is strong — and where it is exposed.

I. Civil Cause of Action for AI-Generated Explicit Material (Section 537.039)

A. First Amendment Analysis

The bill prohibits generating explicit sexual material using an individual’s likeness without express written consent.

Unlike broader AI speech bills, this provision is narrowly tied to:

- Explicit sexual material**
- Use of an identifiable individual’s likeness**
- Lack of express written consent**

Courts have historically allowed regulation of:

- Non-consensual pornography**
- Obscenity**
- False light invasion of privacy**
- Misappropriation of likeness**

However, the bill does not require:

- Intent to harm**
- Intent to deceive**

Knowledge that consent is absent

Strict liability exposure combined with attorney's fees creates elevated chilling risk.

Additionally, the definition of:

"Explicit sexual material" including emphasis on postpubertal genitals could overlap with constitutionally protected erotic art or expressive photography, even if not obscene under Miller v. California, 413 U.S. 15 (1973).

The statute avoids obscenity analysis and instead imposes consent-based liability.

Consent-based frameworks are defensible in privacy tort law — but criminal expansion elsewhere in the bill complicates this.

II. Artificially Generated Depictions of Minors

The bill expands "child pornography" to include:

Artificially generated depictions indistinguishable from a real minor

Morphed images

AI-generated minor sexual depictions without actual minor involvement

This mirrors federal law under 18 U.S.C. § 2256(8), which survived constitutional challenge after Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002), when Congress narrowed language to cover "indistinguishable from" real minors.

Missouri's language appears aligned with post-Ashcroft federal standards.

However:

The bill defines "indistinguishable" by what an ordinary person would conclude.

That test is constitutionally sensitive.

If enforcement sweeps into purely fictional or stylized depictions not involving real minors, it risks Ashcroft-type challenge.

Precision is required.

III. Expansion of Section 573.550 — Schools and Explicit Material

The bill extends liability for "providing explicit sexual material to a student" to include artificially generated visual depictions.

It retains exemptions for:

Works of serious artistic significance

Anthropological works

Science and biology materials

However, enforcement risk remains because:

"Knowing of its content and character" is ambiguous in a digital context where materials are aggregated, hyperlinked, or database-based.

This creates potential due process vagueness concerns for librarians and educators.

If liability attaches without intent to harm or educational misuse, litigation exposure increases.

IV. Overbreadth Risk in Civil Penalty Provision

Section 537.039 allows:

Actual damages

Attorney's fees
Civil penalty up to \$10,000 per violation
Attorney General enforcement

There is no safe harbor for:
Parody
Satire
Political speech
Journalism
Public-interest uses

If a political campaign uses AI to simulate a candidate in a compromising scenario — even satirical — liability may attach absent written consent.

Courts are protective of political expression.
Without a narrow exception for clearly labeled satire or public-interest commentary, the statute faces strict scrutiny challenges.

V. Dormant Commerce Clause Exposure

AI-generated content is often created or hosted outside Missouri.

If the statute attempts to regulate:
Out-of-state actors
Internet platforms
Interstate digital distribution

Missouri risks Commerce Clause challenge for extraterritorial regulation.

Civil enforcement by the Attorney General against interstate creators may trigger federal review.

Fiscal Exposure Summary

Potential state costs include:

Defense of First Amendment facial challenge.

Defense of federal preemption challenge.

Section 1983 litigation and attorney fee exposure under 42 U.S.C. § 1988.
Injunctive relief suspending enforcement.

Multi-year appellate defense costs.

If portions are struck down, partial invalidation may require legislative revision.

Structural Pattern Note:

This bill reflects a broader pattern emerging this session:

Reactive AI criminalization.

Expansion of obscenity statutes to cover synthetic media.

Civil penalties paired with AG enforcement.

Absence of clear intent thresholds.

Courts increasingly require narrow tailoring in digital speech regulation.

Statutes that mirror federal language closely fare better.

Statutes that expand beyond federal framework invite preemption and First Amendment litigation.

Legislative Notice:

The General Assembly is formally advised that HB 2035 presents identifiable First Amendment and due process risks. While portions aligned with federal child exploitation standards may withstand scrutiny, broader consent-based prohibitions and school-affiliated liability provisions require refinement to avoid overbreadth and chilling protected expression.

Draft with precision.

Or defend it in federal court.