



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2321		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: SARAH BERRY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
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CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/12/2026 4:12 PM	
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Chair and Members of the Committee:

HB 2321 attempts to regulate artificial intelligence-generated expressive content through criminal penalties of up to five years' imprisonment.

The bill's objective—protecting individuals from non-consensual deepfakes—is serious.

The drafting, however, is constitutionally unstable.

This proposal will not survive unmodified.

I. First Amendment – Content-Based Criminalization

HB 2321 criminalizes the publication of “algorithmically generated or altered content” that “materially changes” a person’s appearance, voice, or likeness without consent.

**This is a content-based restriction on speech.
 Content-based regulations are subject to strict scrutiny.**

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

**The statute applies based on:
 What the content depicts;
 How it was created;
 Whether consent exists.**

Speech involving likeness and expressive depiction—parody, political satire, artistic transformation, campaign ads, commentary—falls within the core of protected expression.

While the state may criminalize certain categories (e.g., defamation, true threats, obscenity), this bill sweeps far beyond historically unprotected speech.

**The phrase:
 “materially changes a person's appearance, voice, or likeness”**

is not constitutionally precise.

Every caricature.
Every impersonation.
Every digitally altered campaign ad.
Every satirical meme.

All potentially criminal without documented consent.

Strict scrutiny requires narrow tailoring.
This bill is broad.

It will be challenged immediately.

II. Overbreadth and Vagueness

The statute penalizes content that results in:
“serious harm to the dignity, reputation, or safety of the depicted individual.”

“Dignity” is not a criminal-law standard.

It is subjective.
It is elastic.
It is constitutionally dangerous.

Under the void-for-vagueness doctrine:
A criminal statute must define prohibited conduct with sufficient clarity that ordinary people understand what is prohibited and enforcement is not arbitrary.

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

This bill does not define:
“Materially changes”
“Serious harm”
“Dignity”
“Intent to harm”

Criminal statutes cannot operate on aesthetic discomfort.

This language invites selective enforcement.

III. Federal Preemption Risk – Section 230 and Interstate Platforms

The bill increases penalties when violations occur via an “online public communication platform.”

Most platforms operate interstate.

Federal law—47 U.S.C. § 230—limits liability for online platforms for user-generated content.

While this bill appears to target individual creators rather than platforms, enforcement mechanisms that implicate platforms may collide with federal law.

Additionally, interstate content regulation raises Dormant Commerce Clause concerns.

Missouri cannot regulate the entire internet through territorial criminal law.

A narrowly targeted law aimed at specific, unprotected harms may survive.

A sweeping speech-control statute will not.

IV. Due Process – Criminal Liability Without Intent Standard

The bill requires that a person “knowingly publishes” algorithmically generated content without consent.

But it does not clearly require:

Knowledge that consent was absent;
Intent to cause harm;
Intent to deceive.
Mens rea is insufficiently developed.

Criminal penalties must be anchored in culpability.

Otherwise, legitimate creators face risk of prosecution for:
Political satire;
Historical reenactment;
Public-interest simulations;
Journalism.

Chilling effect is not speculative. It is inevitable.

V. Penalty Proportionality and Equal Protection

Penalties escalate to:
Five years imprisonment;
\$110,000 fine.

For content that harms “dignity.

Criminal penalties must align with historically recognized harms.

By comparison, certain forms of traditional defamation remain civil matters.

This bill converts expressive disputes into felony exposure.

The disproportion between harm standard and penalty severity raises due process concerns.

VI. Structural Pattern Note

This proposal reflects a growing legislative pattern:
Rapid-response AI regulation;
Broad definitional language;
Criminalization before doctrinal refinement;
Reliance on future Attorney General reports to fix drafting deficiencies.

Constitutional review does not wait for post-enactment reports.

It evaluates the text as written.

Fiscal Exposure Summary

If enacted in current form, HB 2321 exposes Missouri to:
Immediate constitutional litigation;
Requests for injunctive relief halting enforcement;
Attorneys’ fees under 42 U.S.C. § 1988;
Federal court defense costs;
Potential damages if wrongful prosecution occurs.

Criminal AI regulation cases will be national test cases.

Missouri may become the proving ground.
That carries fiscal risk.

Legislative Notice:

The General Assembly is formally advised that HB 2321, as drafted, presents substantial First Amendment and due process vulnerabilities. Absent narrowing definitions, clearer intent requirements, and precise harm standards, the statute is likely to face immediate constitutional challenge.

The Constitution does not yield to technology.

It adapts through precision.

This bill requires refinement.