



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 2862</b>		DATE: <b>2/16/2026</b>	
COMMITTEE: <b>Emerging Issues</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>JOANNE SCHRADER</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>2/15/2026 11:10 PM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

**Digital impersonations have the potential to seriously harm a person's reputation and livelihood. Consequently, anyone who has been negatively affected by a digital impersonation will have the foundation of HB 2862 to address the situation and seek relief.**



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CITY:		STATE:                  ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/15/2026 10:41 PM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo. Pornography is a pernicious harm.</b>		



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<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>SARAH BERRY</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:      ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/12/2026 9:31 PM</b>
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**HB 2862 is one of the more disciplined synthetic media bills filed this session. It attempts narrow tailoring. That is good.**

**But constitutional exposure remains.**

**This notice identifies where litigation will concentrate.**

**I. Content-Based Regulation – Strict Scrutiny Applies**

**This bill regulates speech based on content and subject matter.**

**It targets:**

- Synthetic depictions,**
- Representations of identifiable individuals,**
- Audience perception of authenticity.**

**Content-based restrictions trigger strict scrutiny.  
 Reed v. Town of Gilbert, 576 U.S. 155 (2015).**

**The state has a compelling interest in preventing deceptive impersonation. That is not in dispute.**

**The legal question will be whether this statute is:  
 Narrowly tailored,  
 The least restrictive means,  
 Precisely defined.**

**Any overbreadth will invite facial challenge.**

**II. The Two-Day Judicial Declaration – Prior Restraint Risk**

**Subsection 5 requires a court ruling within two days.**

**Even though framed as declaratory relief, expedited judicial determinations affecting speech dissemination resemble prior restraint.**

Prior restraints are presumptively unconstitutional.  
Near v. Minnesota, 283 U.S. 697 (1931).

The bill allows notice and appearance. That helps. But the compressed timeline may be attacked as procedurally insufficient in cases involving:

Political speech,  
Election-related content,  
Matters of public concern.

The legislative record must demonstrate why two days is necessary and why less restrictive remedies are inadequate.

Without that record, this is the pressure point.

### III. Public Figure Limitation – Incomplete Integration with Sullivan

Damages are unavailable if the plaintiff was a public figure.

That aligns conceptually with New York Times v. Sullivan, 376 U.S. 254 (1964), but the bill does not clearly integrate:

Limited-purpose public figures,  
Actual malice standards,  
Political speech protections.

Ambiguity here will generate constitutional litigation.

If this is intended to track defamation doctrine, it should do so explicitly.

### IV. “Reasonable Viewers” and “Obviousness” – Vagueness Exposure

Liability turns on whether:  
Reasonable viewers would believe authenticity,  
It was not “otherwise obvious” that the content was synthetic.

In speech regulation, vague standards are unconstitutional.  
Grayned v. City of Rockford, 408 U.S. 104 (1972).

The narrower and more objective the definition of deception, the safer the statute.

Courts will examine whether political satire could be swept in.

### V. Section 230 Immunity – Properly Preserved

The bill correctly preserves federal immunity for interactive computer services under 47 U.S.C. § 230.

This significantly reduces federal preemption exposure.

That is a structural strength.

### VI. Narrow Construction Clause – Helpful but Not Dispositive

The narrow construction clause in subsection 10 strengthens defensibility.

But courts will look to actual application, not merely legislative intent language.

Intent cannot cure overbreadth.

Legislative Notice:

This testimony is submitted to formally document:

**Strict scrutiny applicability,  
Prior restraint sensitivity,  
Procedural due process concerns,  
Vagueness exposure,  
Public figure doctrine integration issues.**

**Failure to clarify these areas increases the likelihood of immediate constitutional challenge.**

**Precision here determines survival.  
Courts reward narrow drafting.  
They invalidate overreach.**

**This bill is close. But “close” is where litigation lives.**