
OLR Bill Analysis

sSB 1440

AN ACT CONCERNING UNLAWFUL DISSEMINATION OF AN INTIMATE SYNTHETICALLY CREATED IMAGE.

SUMMARY

This bill establishes a new crime of unlawful dissemination of an intimate synthetically created image that is generally similar to the existing crime of unlawful dissemination of an intimate image.

As under the existing crime, the bill's new crime applies to the intentional dissemination of images of a person in certain degrees of nudity or engaged in sexual intercourse. It does not apply in certain circumstances, such as if the image resulted from voluntary exposure in public.

Under the bill, a "synthetically created image" can be a photograph, film, videotape, or another type of image of someone. It must (1) not be wholly recorded by a camera or (2) be generated, at least in part, by a computer system. It must depict an identifiable person and be virtually indistinguishable from what a reasonable person would believe to be an actual depiction of that person.

The bill's penalties vary based on (1) how the person distributed the image (including the number of recipients and how it was sent) and (2) whether the person intended to harm the victim (the person whose image is depicted) when acquiring or creating the image or having it created.

Also, as under the existing crime, the bill specifies that it does not impose liability on certain service providers for content provided by someone else.

EFFECTIVE DATE: October 1, 2025

UNLAWFUL DISSEMINATION OF INTIMATE SYNTHETICALLY CREATED IMAGE

Under the bill, a person is guilty of this crime when:

1. the person intentionally disseminates, by electronic or other means, an image of (a) certain body parts of another person (genitals, pubic area, or buttocks; or female breasts below the top of the nipple) without a fully opaque covering or (b) another person engaged in sexual intercourse;
2. the person disseminates the image without the other person's consent;
3. the person knows that the image is synthetically created but disseminates it intending for the viewer to be deceived into believing that it actually shows the other person; and
4. the other person suffers harm because of the dissemination.

"Harm" includes subjecting the other person to hatred, contempt, ridicule, physical or financial injury, psychological harm, or serious emotional distress.

The bill includes enhanced penalties (see below) if the person, in taking these actions, acquired or created the image, or had it created, intending to harm the other person.

Exemptions

The bill does not apply if the person depicted in the image:

1. voluntarily exposed himself or herself, or engaged in sexual intercourse, in a public place or commercial setting, or
2. is not clearly identifiable, unless there is other personally identifying information associated or included with the image.

Penalties

As shown in the table below, the bill's penalties vary based on the offender's method of distribution and intent to harm the victim.

Table: Penalties Under the Bill

<i>Method of Distribution</i>	<i>Penalty (Based on Intent of Harm)</i>
The person gave or otherwise disseminated the image to someone by any means	The person intended to harm the victim when acquiring or creating the image or having it created: class A misdemeanor, punishable by up to 364 days in prison, a fine of up to \$2,000, or both Otherwise: class D misdemeanor, punishable by up to 30 days in prison, a fine of up to \$250, or both
The person gave or otherwise disseminated the image to multiple people using an interactive computer service (e.g., an internet access service), an information service (e.g., electronic publishing), or a telecommunications device	The person intended to harm the victim when acquiring or creating the image or having it created: class D felony, punishable by up to five years in prison, a fine of up to \$5,000, or both Otherwise: class C misdemeanor, punishable by up to three months in prison, a fine of up to \$500, or both

Service Providers' Protection From Liability

The bill specifies that it does not impose liability on certain service providers for content provided by another. This applies to interactive computer services, information services, and telecommunications services.

BACKGROUND***Related Bill***

sSB 2, § 28 (File 603), favorably reported by the General Law Committee, makes it a crime, under certain conditions, to intentionally disseminate a synthetic intimate image, by specifying that the dissemination of these images is included within the existing crime of unlawful dissemination of an intimate image.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/07/2025)