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## OLR Bill Analysis

### sHB 5312 (as amended by House "A")\*

#### ***AN ACT ESTABLISHING A CIVIL ACTION FOR THE OFFICE OF THE ATTORNEY GENERAL AND A PRIVATE RIGHT OF ACTION FOR VICTIMS OF UNLAWFUL DISSEMINATION OF A SYNTHETICALLY CREATED INTIMATE IMAGE.***

#### **SUMMARY**

This bill creates a civil cause of action for someone harmed by the unlawful dissemination of a synthetically created intimate image. (PA 25-168, § 261, made this dissemination a crime (see BACKGROUND).)

The bill allows the action in Superior Court against a person who, knowingly and with intent to harm the other person, disseminates the image either electronically or by another method. "Harm" includes subjecting the other person to hatred, contempt, ridicule, physical or financial injury, psychological harm, or serious emotional distress.

The bill also requires covered platforms to have a removal process for individuals harmed by the unlawful dissemination of these images or the attorney general to ask for it to be removed. A "covered platform" is generally a publicly accessible website, application, or online service that hosts user-generated content as defined in federal law (see BACKGROUND).

Under the bill, when a platform receives a valid removal request, it must remove the image and make reasonable efforts to identify and remove any copies as soon as possible, but within 48 hours. The bill allows the attorney general to bring an action in Superior Court against platforms that violate the requirements.

\*House Amendment "A" makes technical changes by replacing (1) certain definitions with statutory cross-references to nearly identical ones and (2) references to "person" with "individual."

EFFECTIVE DATE: October 1, 2026

### **SYNTHETICALLY CREATED INTIMATE IMAGE**

Under the bill, a “synthetically created image” can be a photograph, film, videotape, or other 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 also depict an identifiable person and be virtually indistinguishable from what a reasonable person would believe to be an actual depiction of that person. An image is considered “intimate” when it has (1) 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 (2) another person engaged in sexual intercourse or sexually explicit conduct.

### **CAUSE OF ACTION FOR WRONGFULLY DISSEMINATING A SYNTHETICALLY CREATED INTIMATE IMAGE**

The bill requires a cause of action to be brought within two years after the date of discovering the unlawful dissemination. It specifies that it does not restrict the right to seek any other civil remedies the law allows.

The bill allows the court, at the request of the person bringing the action, to have the legal proceedings conducted in a way that protects the person’s identity. The person bringing the action may seek an injunction against further violations and economic and non-economic damages that are proximately caused by the action (for example, emotional distress and punitive damages).

The bill allows the court to award costs and reasonable attorney’s fees to the prevailing party.

### **COVERED PLATFORM CONTENT REMOVAL**

#### ***Removal Notice and Process***

The bill requires covered platforms to post a clear and conspicuous notice about their responsibilities regarding requests to remove unlawfully distributed synthetically created intimate images. The information may be provided through a link to another webpage or as a specific disclosure. It must be in plain language and easy to read and

describe how to submit a notice about the image and a request for its removal.

Under the bill, the process for requesting the image's removal must include the following in writing:

1. a valid signature of the harmed person or authorized person acting on his or her behalf or the attorney general's authorized agent or designee;
2. information that is reasonably sufficient to locate the image involved, including any digital evidence and particular uniform resource locator (URL);
3. a brief statement that the image was published without consent or otherwise violates the law; and
4. contact information for requests from the harmed person or an authorized person acting on the person's behalf.

### ***Court Action and Liability***

The bill allows the attorney general to bring a civil action against a covered platform that violates the above requirements, including for civil penalties of up to \$25,000 per day for a person harmed by the dissemination.

Under the bill, the attorney general may combine this action with another action, such as one he brings for unfair trade practices violations. But the action does not limit a person's right to bring a private right of action for violations, as authorized by the bill and existing law.

The bill immunizes platforms from liability for claims based on disabling access to or removal of synthetically created intimate images if they acted in good faith.

## **BACKGROUND**

### ***Covered Platform — Definition***

Under federal law, a "covered platform" is generally a website,

online service or application, or mobile application that serves the public and (1) primarily provides a forum for user-generated content such as messages, videos, images, games, and audio files or (2) for which it is in its regular course of trade or business to publish, curate, host, or make available content of non-consensual intimate visual depictions. It does not include (1) a broadband Internet access provider; (2) electronic mail; or (3) an online service, application, or website that primarily has content that is pre-selected by the provider (not user-generated) and for which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provider's content (47 U.S.C. § 223a).

***Existing Criminal Penalties***

PA 25-168, § 161, made it a crime to intentionally disseminate synthetically created images of someone else in certain degrees of nudity or engaged in sexual intercourse, subject to several exceptions. The penalties vary based on (1) how the person distributed the image and (2) whether the person intended to cause harm. Specifically, disseminating an image to someone is a class D misdemeanor (punishable by up to 30 days in prison, a fine of up to \$250, or both), but doing so to multiple people through an interactive computer service, an information service, or a telecommunications device is a class C misdemeanor (punishable by up to three months in prison, a fine of up to \$500, or both). And it is a more serious offense to commit these actions with the intent to harm the victim when acquiring or creating the image or having it created.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 41    Nay 0    (03/23/2026)