

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 26-55—sHB 5312

Judiciary Committee

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 act creates a civil cause of action for someone harmed by the unlawful dissemination of a synthetically created intimate image.

The act allows the injured person to bring the action in Superior Court against anyone who knowingly disseminates the image, either electronically or by another method, with intent to harm the person. “Harm” includes subjecting the other person to hatred, contempt, ridicule, physical or financial injury, psychological harm, or serious emotional distress.

The act also requires covered platforms to have a process for individuals harmed by the unlawful dissemination of these images, or the attorney general, to ask for the images 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 act, 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 act allows the attorney general to bring an action in Superior Court against platforms that violate these requirements.

EFFECTIVE DATE: October 1, 2026

SYNTHETICALLY CREATED INTIMATE IMAGE

Under the act, 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, 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 WRONGFUL DISSEMINATION

Under the act, the action must be brought within two years after the date of discovering the unlawful dissemination. The act specifies that it does not restrict the person’s right to seek any other civil remedies the law allows.

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The act 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 dissemination (for example, emotional distress and punitive damages).

Under the act, the court may award costs and reasonable attorney's fees to the prevailing party.

COVERED PLATFORM CONTENT REMOVAL

Removal Notice and Process

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

The act gives platforms immunity from civil 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

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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) whose regular course of trade or business is 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) email; 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 (Pub. L. No. 119-12, § 4 (2025)).