

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2183

As Amended by House Committee on Judiciary

Brief*

HB 2183, as amended, would revise certain sex crimes to include conduct related to artificially generated visual depictions and define related terms.

Sexual Exploitation of a Child

The bill would expand the conduct that constitutes the crime of sexual exploitation of a child to include possessing any artificially generated visual depiction with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person.

The bill would define “artificially generated visual depiction” as an obscene visual depiction produced through the use of computer software, digital manipulation, or other means that creates an image or video depicting a child under 18 years of age shown or heard engaging in sexually explicit conduct.

The definition would include depictions that are obscene and indistinguishable from a real child, morphed from a real child’s image, or generated without any actual child involvement.

The bill would define “obscene” as a visual depiction or artificially generated visual depiction that, taken as a whole, appeals to the prurient interest of an average person, applying contemporary community standards, that is patently

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

offensive, and that, taken as a whole, lacks literary, artistic, political, or scientific value.

Unlawful Transmission of a Visual Depiction of a Child

The bill would also expand the definition of “visual depiction” as used in the crime of unlawful transmission of a visual depiction of a child. Visual depictions under this crime would include, but would not be limited to, such items in which the person depicted is indistinguishable from a real child, morphed from a child’s image, or generated without any actual child involvement.

Breach of Privacy

The bill would also expand the crime of breach of privacy to include disseminating any videotape, photograph, film, or image that was created, altered, or modified by artificial intelligence to appear to depict or purport to depict an identifiable person regardless of whether such person was involved in the creation of the original image.

The bill would specify that the crime of breach of privacy would not apply to a cable service as defined by federal law.

Background

The bill was introduced by the House Committee on Judiciary at the request of Representative Barrett.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by Representative Barrett, the Shawnee County District Attorney, and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and the Kansas Sheriffs Association. The proponents generally stated the bill would provide an

additional tool to identify child sexual abuse offenders and prevent further harm to children.

Written-only proponent testimony was provided by a representative of the Wichita Police Department.

Opponent testimony was provided by a representative of the State Board of Indigents' Defense Services. The opponent generally stated the bill would violate the freedom of speech protected by the First Amendment of the *U.S. Constitution*.

No other testimony was provided.

The Committee amended the bill to:

- Modify the elements of the crime of sexual exploitation of a child;
- Add definitions of “artificially-generated visual depiction” and “obscene” in the crime of sexual exploitation of a child;
- Modify the definition of “visual depiction” in the crime of unlawful transmission of a visual depiction of a child;
- Modify the elements of the crime of breach of privacy; and
- Exempt cable service as defined by federal law from the crime of breach of privacy.

Fiscal Information

A fiscal note was not available at the time the House Committee took action on the bill.

Artificial intelligence; child pornography; breach of privacy