

SENATE BILL NO. 110

BY SENATORS CLOUD, ABRAHAM, BARROW, CATHEY, EDMONDS, FESI, HODGES, KLEINPETER, MCMATH, MIGUEZ, MILLER, MIZELL, MORRIS, MYERS, PRESSLY, REESE, SEABAUGH, STINE, WHEAT AND WOMACK AND REPRESENTATIVES ADAMS, AMEDEE, BAMBURG, BAYHAM, BERAULT, BILLINGS, BOUDREAUX, CARVER, CHENEVERT, DICKERSON, EGAN, FREIBERG, GALLE, GLORIOSO, HORTON, MIKE JOHNSON, LAFLEUR, LYONS, MELERINE, MILLER, MOORE, OWEN, SAWYER, SCHAMERHORN, SCHLEGEL, SPELL, VILLIO, WALTERS, WRIGHT AND WYBLE

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 14:81.1(G) and to enact R.S.
3 14:81.1(A)(3) and (4), relative to offenses affecting the public morals; to provide
4 relative to child sexual abuse materials; to provide relative to the elements of the
5 crime; to prohibit using a child's image to train artificial intelligence to produce child
6 sexual abuse materials; to provide relative to prosecutions; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The introductory paragraph of R.S. 14:81.1(G) is hereby amended and
10 reenacted and R.S. 14:81.1(A)(3) and (4) are hereby enacted to read as follows:

11 §81.1. Child sexual abuse materials

12 A.(1) * * *

13 **(3) It shall also be a violation of this Section for a person to use an image**
14 **of a child under the age of seventeen years at the time the image was created**
15 **with the intent to train an artificial intelligence model to produce child sexual**
16 **abuse materials.**

17 **(4) It is not a required element of an offense under this Section that the**
18 **child depicted in the child sexual abuse materials be a natural person.**

19 * * *

20 G. In prosecutions for violations of this Section, the trier of fact may
21 determine, utilizing the following factors, whether or not ~~the~~ **a natural** person
22 displayed or depicted in any photograph, videotape, film, or other video reproduction

1 introduced in evidence was under the age of seventeen years at the time of filming
2 or recording, or whether or not the image used to train an artificial intelligence
3 model depicts a person who appears to be under the age of seventeen years:

4 (1) The general body growth, bone structure, and bone development of the
5 person.

6 (2) The development of pubic or body hair on the person.

7 (3) The development of the person's sexual organs.

8 (4) The context in which the person is placed or the age attributed to the
9 person in any accompanying video, printed, or text material.

10 (5) Available expert testimony and opinion as to the chronological age or
11 degree of physical or mental maturity or development of the person.

12 (6) Such other information, factors, and evidence available to the trier of fact
13 which the court determines is probative and reasonably reliable.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____