

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 575

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO DISCLOSING EXPLICIT SYNTHETIC MEDIA; AMENDING CHAPTER 66, TITLE
2 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6606, IDAHO CODE, TO
3 PROVIDE FOR THE CRIME OF DISCLOSING EXPLICIT SYNTHETIC MEDIA, TO PRO-
4 VIDE PENALTIES, TO DEFINE TERMS, TO PROVIDE EXEMPTIONS, AND TO PROVIDE
5 SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
6 DATE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 66, Title 18, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 18-6606, Idaho Code, and to read as follows:

12 18-6606. DISCLOSING EXPLICIT SYNTHETIC MEDIA. (1) A person is guilty
13 of disclosing explicit synthetic media when the person knowingly:

14 (a) Discloses explicit synthetic media and knows or reasonably should
15 know that:

16 (i) An identifiable person portrayed in whole or in part in the
17 explicit synthetic media did not consent to such disclosure; and

18 (ii) Disclosure of the explicit synthetic media would cause the
19 identifiable person substantial emotional distress;

20 (b) Discloses explicit synthetic media with the intent to annoy, ter-
21 rify, threaten, intimidate, harass, offend, humiliate, or degrade an
22 identifiable person portrayed in whole or in part in the explicit syn-
23 thetic media; or

24 (c) Possesses and threatens to disclose explicit synthetic media with
25 the intent to obtain money or other valuable consideration from an iden-
26 tifiable person portrayed in whole or in part in the explicit synthetic
27 media.

28 (2) A person who violates subsection (1) of this section is guilty of a
29 misdemeanor unless such person is guilty of a felony as provided in subsec-
30 tion (3) of this section.

31 (3) A person who violates subsection (1) of this section when the per-
32 son was previously found guilty of a violation of this section or a simi-
33 lar statute in another state or any local jurisdiction within the past five
34 (5) years, notwithstanding the form of the judgment or withheld judgment,
35 is guilty of a felony punishable by imprisonment for a period no more than
36 ten (10) years, or by a fine of no more than twenty-five thousand dollars
37 (\$25,000), or by both such fine and imprisonment.

38 (4) As used in this section:

39 (a) "Disclose" means to make available by any means to any person.

40 (b) "Explicit synthetic media" means synthetic media that depicts or
41 appears to depict:

42 (i) An identifiable individual engaged in sexual conduct;

1 (ii) The intimate parts of another individual or artificially
2 generated intimate parts presented as the intimate parts of an
3 identifiable individual; or

4 (iii) The display or transfer of sexual bodily fluids onto any part
5 of the body of an identifiable individual or from the body of an
6 identifiable individual.

7 (c) "Identifiable individual" means a person who is portrayed in whole
8 or in part in synthetic media and who is recognizable by the person's
9 face, likeness, or other distinguishing characteristic, such as a
10 unique birthmark or other recognizable feature.

11 (d) "Intimate parts" means the nude genitals, pubic area, anus, or
12 postpubescent female nipple.

13 (e) "Realistically" means that the synthetic media is sufficiently
14 convincing such that an ordinary person viewing the synthetic media
15 would conclude that it is an actual image or video of the identifiable
16 person but does not include drawings, cartoons, or paintings.

17 (f) "Sexual conduct" means actual or simulated sexual intercourse,
18 oral-genital contact, manual genital contact, genital-anal contact,
19 oral-anal contact, or other physical-genital contact.

20 (g) "Synthetic media" means any image or video created or altered us-
21 ing technical means, such as artificial intelligence, to realistically
22 misrepresent an identifiable individual as engaging in conduct in which
23 the identifiable individual did not engage.

24 (h) "Valuable consideration" includes but is not limited to sexually
25 explicit images or video from the identifiable individual portrayed in
26 the synthetic media.

27 (5) Subsection (1) (a) of this section shall not apply when:

28 (a) The disclosure is made for the purpose of a criminal investigation
29 or prosecution that is otherwise lawful;

30 (b) The disclosure is for the purpose of, or in connection with, the re-
31 porting of unlawful conduct;

32 (c) The explicit synthetic media relates to a matter of public interest
33 and disclosure serves a lawful public purpose, provided that explicit
34 synthetic media does not relate to a matter of public interest merely
35 because a public figure is portrayed in the explicit synthetic media;

36 (d) The disclosure is for legitimate scientific research or educa-
37 tional purposes; or

38 (e) The disclosure is made in the normal course of civil legal proceed-
39 ings and consistent with common practice or is protected by court order
40 that prohibits further dissemination.

41 (6) The provisions of this section shall not apply to an interactive
42 computer service, as defined in 47 U.S.C. 230 (f) (2); an information service,
43 as defined in 47 U.S.C. 153; or a telecommunication service, as defined in
44 section 61-121 (2) or 62-603 (13), Idaho Code, for content provided by another
45 person, unless the provider intentionally aids or abets disclosing explicit
46 synthetic media.

47 (7) If any provision of this section or the application thereof to any
48 person or circumstance is held invalid, such invalidity shall not affect
49 other provisions or applications of this section that can be given effect

1 without the invalid provision or application, and to this end the provisions
2 of this section are declared to be severable.

3 SECTION 2. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after
5 July 1, 2024.