

The Senate Committee on Rules offered the following substitute to HB 171:

**MOOT**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to general provisions relative to obscenity and related offenses, so as to  
3 prohibit distribution of computer generated obscene material depicting a child; to prohibit  
4 distribution of computer generated obscene material to a child; to provide for a standard for  
5 obscenity; to provide for a penalty and probation; to amend Article 1 of Chapter 10 of Title  
6 17 of the Official Code of Georgia Annotated, relating to procedure for sentencing and  
7 imposition of punishment, so as to provide for sentencing of defendants who utilize artificial  
8 intelligence in the commission of certain offenses; to provide for notice and enhanced  
9 sentencing; to amend Titles 20 and 32 of the Official Code of Georgia Annotated, relating  
10 to education and highways, bridges, and ferries, respectively, so as to replace  
11 cross-references to Code Section 16-12-80 with Code Section 16-12-80.1; to provide for  
12 definitions; to provide for a short title; to provide for related matters; to provide for an  
13 effective date and applicability; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 This Act shall be known and may be cited as the "Ensuring Accountability for Illegal AI  
17 Activities Act."

18 **SECTION 2.**

19 Part 1 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,  
20 relating to general provisions relative to obscenity and related offenses, is amended by  
21 adding a new Code section to read as follows:

22 "16-12-80.1.

23 (a) As used in this Code section, the term:

24 (1) 'Artificial intelligence system' shall have the same meaning as set forth in Code  
25 Section 17-10-22.

26 (2) 'Child' means any individual under the age of 16 years.

27 (3) 'Obscene' means material which meets the following requirements:

28 (A) To an average person, applying contemporary community standards, taken as a  
29 whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid  
30 interest in nudity, sex, or excretion;

31 (B) The material taken as a whole lacks serious literary, artistic, political, or scientific  
32 value; and

33 (C) The material depicts or describes, in a patently offensive way, sexually explicit  
34 conduct.

35 (4) 'Sexually explicit conduct' shall have the same meaning as set forth in Code  
36 Section 16-12-100.

37 (b) A person commits the offense of distribution of computer generated obscene material  
38 depicting a child when such person knowingly distributes, solicits, or possesses with intent  
39 to distribute a visual depiction of any kind, including an electronic image, electronic video,  
40 drawing, sculpture, or painting, that:

41 (1) Depicts an image that appears to be of a child, and that would appear realistic to an  
42 average observer, engaging in sexually explicit conduct, whether alone or between  
43 persons of the same or opposite sex;

44 (2) Is obscene; and

45 (3) Was created through the use of an artificial intelligence system.

46 (c) A person who owns or operates a computer program or application that is designed  
47 primarily for use by or marketed to children, is accessible to the public, and which utilizes  
48 an artificial intelligence system to generate text responses to user's prompts shall be guilty  
49 of the offense of distribution of computer generated obscene material to a child if such  
50 person knows or reasonably should have known that such computer program or application  
51 was reasonably likely to and in fact did provide a description of obscene conduct to a child.

52 (d) A person who commits an offense under this Code section shall be guilty of a felony  
53 and, upon conviction thereof, shall be punished by imprisonment for not less than one year  
54 nor more than 15 years.

55 (e) It shall not be a required element of an offense under this Code section that the image  
56 of a child in such depiction is of a currently or previously living individual.

57 (f) If the sentence imposed under this Code section is probated, in whole or in part, by the  
58 sentencing court, as a condition of such probation, the sentencing court shall have the  
59 discretion to impose any or all of the requirements set forth in subsection (b) of Code  
60 Section 42-8-35.

61 (g) For purposes of this Code section, a person who, in the course of processing or  
62 producing visual or printed matter either privately or commercially, has reasonable cause  
63 to believe that the visual or printed matter submitted for processing or producing depicts  
64 what appears to be a minor engaged in sexually explicit conduct shall immediately report  
65 such incident, or cause a report to be made, to the National Center for Missing and  
66 Exploited Children, and may additionally report such to the Georgia Bureau of  
67 Investigation or the law enforcement agency for the county in which such matter is

68 submitted. Any person participating in the making of a report or causing a report to be  
69 made pursuant to this subsection or participating in any judicial proceeding or any other  
70 proceeding resulting therefrom shall in so doing be immune from any civil or criminal  
71 liability that might otherwise be incurred or imposed, provided such participation pursuant  
72 to this subsection is made in good faith.  
73 (h) The provisions of subsection (b) of this Code section shall not apply to the activities  
74 of law enforcement and prosecution agencies in the investigation and prosecution of  
75 criminal offenses."

76 **SECTION 3.**

77 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to  
78 procedure for sentencing and imposition of punishment, is amended by adding a new Code  
79 section to read as follows:

80 "17-10-22.

81 (a) As used in this Code section, the term:

82 (1) 'Artificial intelligence system' means an engineered or machine based system that  
83 emulates the capability of a person to receive audio, visual, text, or any other form of  
84 information and use such information to emulate a human cognitive process, including,  
85 but not limited to, learning, generalizing, reasoning, planning, predicting, acting, or  
86 communicating; provided, however, that artificial intelligence systems may vary in the  
87 forms of information they can receive and in the human cognitive processes they can  
88 emulate.

89 (2) 'Designated offense' means:

90 (A) Stalking in violation of Code Section 16-5-90;

91 (B) Aggravated stalking in violation of Code Section 16-5-91;

92 (C) Exploitation of a disabled adult, elder person, or resident in violation of Code  
93 Section 16-5-102;

- 94 (D) Enticing a child for indecent purposes in violation of Code Section 16-6-5;  
95 (E) Any misdemeanor or felony offense provided for in Article 1 of Chapter 8 of  
96 Title 16;  
97 (F) Any misdemeanor or felony offense provided for in Article 3 of Chapter 8 of  
98 Title 16;  
99 (G) Any misdemeanor or felony offense provided for in Article 5 of Chapter 8 of  
100 Title 16;  
101 (H) Any misdemeanor or felony offense provided for in Chapter 9 of Title 16;  
102 (I) Any misdemeanor or felony offense provided for in Chapter 10 of Title 16;  
103 (J) Any misdemeanor or felony offense provided for in Chapter 11 of Title 16;  
104 (K) Any misdemeanor or felony offense provided for in Chapter 12 of Title 16; and  
105 (L) Fraudulent election interference in violation of Code Section 21-2-604.  
106 (3) 'Utilized an artificial intelligence system' means to be the proximate cause of an  
107 artificial intelligence system receiving an input or providing an output.  
108 (b) Subject to the notice requirement provided in subsection (c) of this Code section and  
109 in enhancement of the penalty imposed, if the trier of fact determines beyond a reasonable  
110 doubt that the defendant knowingly and intentionally utilized an artificial intelligence  
111 system in the commission of a designated offense, the judge imposing sentence shall:  
112 (1) If the designated offense for which the defendant was convicted is a misdemeanor,  
113 impose a sentence of confinement for a period of not less than six nor more than 12  
114 months and a fine not to exceed \$5,000.00; or  
115 (2) If the designated offense for which the defendant was convicted is a felony, impose  
116 a sentence of imprisonment for a period of not less than two years and a fine not less than  
117 \$5,000.00; provided, however, that, if such designated offense is subject to a minimum  
118 sentence of imprisonment for two years or more, the judge shall impose a sentence of  
119 imprisonment for not less than such minimum sentence plus one year and a fine of not  
120 less than \$5,000.00.

121 (c) At any time after the filing of an indictment or accusation, but not later than the  
122 arraignment, the state shall notify the defendant of its intention to seek the enhanced  
123 penalty or penalties authorized by subsection (b) of this Code section. Such notice shall  
124 be in writing and shall allege the specific factor or factors authorizing an enhanced  
125 sentence in the case pursuant to this Code section.

126 (d) The judge shall state when he or she imposes the sentence the amount of the  
127 enhancement of the sentence based on the application of subsection (b) of this Code  
128 section."

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#### SECTION 4.

130 Titles 20 and 32 of the Official Code of Georgia Annotated, relating to education and  
131 highways, bridges, and ferries, respectively, are amended by replacing "16-12-80"  
132 with "16-12-80.1" wherever the former term appears in:

133 (1) Code Section 20-2-324, relating to internet acceptable-use policies required in all  
134 public schools, minimum policy requirements, policy enforcement, technology protection  
135 measures required, policy compliance review, approval, and enforcement by State Board  
136 of Education, and waivers prohibited;

137 (2) Code Section 20-5-5, relating to internet safety policies in public libraries;

138 (3) Code Section 32-6-75, relating to restrictions on outdoor advertising authorized by  
139 Code Sections 32-6-72 and 32-6-73 and multiple message signs on interstate system,  
140 primary highways, and other highways; and

141 (4) Code Section 32-6-75.3, relating to permits for trimming or removal of trees or  
142 vegetation in state right of way which obstruct view of outdoor advertising and removal  
143 of signs with lapsed permits.

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**SECTION 5.**

145 This Act shall become effective on July 1, 2025, and shall apply to all offenses committed  
146 on or after such date.

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**SECTION 6.**

148 All laws and parts of laws in conflict with this Act are repealed.