

Criminal Laws on AI-Generated Child Sexual Abuse Material

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December 20, 2024 | 2024-R-0167

Issue

Are visual depictions portraying children engaged in sexual acts or otherwise sexualized illegal under federal or state child sexual abuse material- or child pornography-related laws if the depictions are (1) partially or wholly generated using artificial intelligence technology (e.g., “deepfakes”); (2) computer illustrated or (3) hand drawn (i.e., cartoon)?

Summary

Federal and state laws generally prohibit the production, advertisement, transportation, distribution, receipt, sale, access with intent to view, and possession of child sexual abuse material or child pornography.

Neither federal nor Connecticut law explicitly state that they include situations in which the depictions are specifically AI-generated. However, both explicitly criminalize the behavior if the images are digitally- or computer-generated. Based on the statutory definitions of the elements that constitute these crimes (see below), visual depictions that are partially or wholly AI-generated could be construed to constitute child pornography under federal law or child sexual abuse material under Connecticut law.

Terminology

“Child Sexual Abuse Material”
“Child Pornography”

- In 2024, Connecticut enacted [PA 24-118](#) which, among other things, replaced the term “child pornography” with “child sexual abuse material” throughout the statutes.
- The term “child pornography” is still used in federal and some states’ laws.

In March 2024, the FBI issued a [public service announcement](#) explicitly stating that any child sexual abuse material created with content manipulation technologies (e.g., generative AI) is illegal. According to the FBI announcement, this includes realistic computer-generated images.

In the 2024 session, the Connecticut General Assembly's General Law Committee voted out a bill concerning artificial intelligence that, among other things, would have made it a specific crime, under certain conditions, to intentionally disseminate a synthetic intimate image (i.e., one that is either partially or wholly generated by a computer, among other things) ([SB2](#), § 10). The bill passed in the Senate but was not acted on in the House.

At least six states (Alabama, California, Florida, North Carolina, Pennsylvania, and South Dakota) enacted legislation in 2024 specifically expanding child sexual abuse material-related laws to include AI-generated visual depictions.

We found no jurisdiction that specifies that cartoon images constitute child pornography or child sexual abuse material. However, federal law expressly states that depictions that are drawings, cartoons, sculptures, or paintings must not be construed to be indistinguishable from actual images for the purpose of federal child pornography law.

Federal Law

Federal law generally prohibits the production, advertisement, transportation, distribution, receipt, sale, access with intent to view, and possession of child pornography ([18 U.S.C. § 2252A](#)). This includes any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is, or contains:

1. an obscene visual depiction of a minor engaging in sexually explicit conduct; or
2. a visual depiction of an actual minor engaging in sexually explicit conduct ([18 U.S.C. § 2252A\(3\)\(B\)](#)).

Definitions

Child Pornography. “Child pornography” means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where the visual depiction:

1. was produced using a minor engaging in sexually explicit conduct;

2. is a digital image, computer image, or computer-generated image that is, or is indistinguishable (see below) from, that of a minor engaging in sexually explicit conduct; or
3. has been created, adapted, or modified to appear that an identifiable minor (see below) is engaging in sexually explicit conduct [18 U.S.C. § 2256\(8\)](#).

Identifiable Minor. An “identifiable minor” is a person:

1. (a) who was a minor at the time the visual depiction was created, adapted, or modified; or (b) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and
2. who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature.

Further, federal law directs that this definition may not be construed to require proof of the actual identity of the identifiable minor ([18 U.S.C. § 2256\(9\)](#)). In other words, the actual identity of the minor in the visual depiction does not have to be proven.

Indistinguishable. The term “indistinguishable” means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. However, it does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults ([18 U.S.C. § 2256\(11\)](#)).

Connecticut Law

Connecticut law generally criminalizes the importation, possession, or transmission of child sexual abuse material in any manner or through any medium ([CGS § 53a-196c et seq.](#)). The law makes visual depictions of children engaged in sexually explicit conduct illegal, whether they are generated by electronic, digital, mechanical, or other means. Even though the law does not specifically address visual depictions generated by artificial intelligence, the law explicitly states that for the purpose of child sexual abuse material-related laws, a “visual depiction” includes an image or picture that is computer-generated or digitally generated ([CGS § 53a-193\(13\)](#)).

Definitions

Material. By law, “material” means anything tangible which is capable of being used or adapted to arouse prurient, shameful, or morbid interest, whether through any medium of reading, observation, sound, or in any other manner ([CGS § 53a-193\(10\)](#)).

Obscene. Material or performance is “obscene” if (1) taken as a whole, it predominantly appeals to the prurient interest; (2) it depicts or describes in a patently offensive way a prohibited sexual act; and (3) taken as a whole, it lacks serious literary, artistic, educational, political, or scientific value ([CGS § 53a-193\(1\)](#)).

Obscene as to Minors. Material or performance is “obscene as to minors” if it depicts a prohibited sexual act and, taken as a whole, it is harmful to minors ([CGS § 53a-193\(2\)](#)).

Other States

Table 1 provides a synopsis of the 2024 legislation enacted in Alabama, California, Florida, North Carolina, Pennsylvania, and South Dakota that prohibits the use of artificial intelligence to create or generate pornographic images of children or representations of children.

Table 1: Summaries of 2024 Legislation on AI-Generated Child Sexual Abuse Material

State	Bill Number	Summary
Alabama	Act 2024-98	<ul style="list-style-type: none"> Actual and artificially-generated child sexual abuse material, which are virtually indistinguishable, must now be considered legally indistinguishable and subject to the criminal penalties provided in the law (Ala. Code § 13A-12-197 et seq.). State board of education must include in its policy on student discipline and education a prohibition of private, explicit, or pornographic images generated with artificial intelligence. Effective October 1, 2024
California	AB 1831	<ul style="list-style-type: none"> Existing law prohibits the production, development, duplication, distribution, or possession of matter, in certain formats, that depicts a person under 18 years old engaging in or simulating sexual conduct. Expands the scope of certain provisions to include matter that is digitally altered or generated using artificial intelligence. “Artificial intelligence” means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. Effective January 1, 2025

Table 1 (continued)

State	Bill Number	Summary
Florida	SB 1680	<ul style="list-style-type: none"> • Prohibits a person from knowingly possessing, controlling, or intentionally viewing photographs, motion pictures, representations, images, data files, computer depictions, or other presentations if the person knows it contains generated child pornography. • Prohibits a person from intentionally creating generated child pornography. • “Generated child pornography” means any image that has been created, altered, adapted, or modified by electronic, mechanical, or other computer-generated means to portray a fictitious person, who a reasonable person would regard as being a real person younger than 18 years of age, engaged in sexual conduct. • Provides for criminal penalties. • Effective July 1, 2024
North Carolina	HB 591	<ul style="list-style-type: none"> • Creates a new offense “obscene visual representation of a minor engaging in sexual activity” and includes visual depictions generated by AI. • It is not a required element of this offense that the minor depicted actually exist. • Defines the term “identifiable minor” as an individual who: <ul style="list-style-type: none"> ○ was a minor at the time the (a) material was created, adapted, or modified or (b) image that was used in creating, adapting, or modifying the material was taken; and ○ is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. • Modifies the definition of the term “material” to specifically include images modified by technological means, including artificial intelligence. • Effective July 8, 2024
Pennsylvania	SB 1213	<ul style="list-style-type: none"> • For the purposes of criminal offenses relating to child sex abuse, redefines child pornography as child sexual abuse material and includes artificially generated materials within the definition. • Defines “artificially generated child sexual abuse material” as a book, magazine, pamphlet, slide, photograph, videotape, film, computer depiction or other material: <ul style="list-style-type: none"> ○ that appears to authentically depict a child under 18 years of age engaging in a prohibited sexual act or in the simulation of such act that did not occur in reality; and ○ the production of which was substantially dependent upon technical means, including artificial intelligence or photo editing software, rather than the ability of another person to physically impersonate the child. • Effective October 29, 2024

Table 1 (continued)

State	Bill Number	Summary
South Dakota	SB 79	<ul style="list-style-type: none"> • Revises provisions of child pornography offenses to prohibit the visual depiction of a minor engaging in a prohibited sexual act, or in a simulation of a prohibited sexual act, or any computer-generated child pornography. • Defines “Computer-generated child pornography” as any visual depiction of: <ul style="list-style-type: none"> ○ An actual minor that has been created, adapted, or modified to depict that minor engaged in a prohibited sexual act; ○ An actual adult that has been created, adapted, or modified to depict that adult as a minor engaged in a prohibited sexual act; or ○ An individual indistinguishable from an actual minor created using artificial intelligence or other computer technology capable of processing and interpreting specific data inputs to create a visual depiction. • “Indistinguishable,” when used with respect to a visual depiction, means virtually indistinguishable, in that the visual depiction is such that an ordinary person viewing the visual depiction would conclude that the visual depiction is of an actual minor engaged in a prohibited sexual act. • Effective February 13, 2024

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