

HB347 INTRODUCED



1 HB347

2 4UX98RR-1

3 By Representatives Harrison, Butler, Bedsole, Estes,
4 Underwood, Kiel, Lomax, Robertson, Whorton, Kirkland, Gidley,
5 Chestnut

6 RFD: Judiciary

7 First Read: 29-Jan-26



1
2
3

4 SYNOPSIS:

5 Under existing law, a developer or provider of
6 technology is immune from prosecution for distributing
7 or creating a private image when found to have solely
8 provided or developed the technology used by another
9 person in the distribution or creation of a private
10 image.

11 This bill would provide that a developer or
12 provider may be held civilly liable in certain
13 circumstances.

14 This bill would create a private right of action
15 for individuals depicted in illicit material that was
16 recklessly produced or disclosed on a website or
17 application in exchange for payment or produced by a
18 publicly accessible nudification application.

19 This bill would require websites and
20 applications to create a process to request the removal
21 of illicit material.

22 This bill would require websites to post a
23 notice containing the removal process and other
24 information from this bill.

25 This bill would authorize the Attorney General
26 to enforce violations of the bill.

27 This bill would also establish penalties for
28 violations.



29

30

31

A BILL

32

TO BE ENTITLED

33

AN ACT

34

35 Relating to consumer protection; to amend Section
36 13A-6-240, Code of Alabama 1975, to further provide for
37 certain affirmative defenses; to create certain private rights
38 of action related to the production or disclosure of, or the
39 facilitation of or payment for, illicit material; to require
40 certain consumer recourse; and to provide for enforcement and
41 penalties for violations.

42 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

43 Section 1. Section 13A-6-240, Code of Alabama 1975, is
44 amended to read as follows:

45 "§13A-6-240

46 (a) (1) A person commits the crime of distributing a
47 private image if he or she knowingly posts, emails, texts,
48 transmits, or otherwise distributes a private image when the
49 depicted individual has not consented in writing to the
50 transmission and the depicted individual had a reasonable
51 expectation of privacy against transmission of the private
52 image.

53 (2) A person commits the crime of creating a private
54 image if he or she knowingly creates, records, or alters a
55 private image when the depicted individual has not consented
56 to the creation, recording, or alteration and the depicted



57 individual had a reasonable expectation of privacy against the
58 creation, recording, or alteration of the private image.

59 (b) (1) For purposes of this section, "private image"
60 means a photograph, digital image, video, film, or other
61 recording of an individual who is identifiable from the
62 recording itself or from the circumstances of its transmission
63 and who is engaged in any act of sexually explicit conduct, as
64 defined in Section 13A-12-190.

65 (2) The term includes both of the following:

66 a. A recording that has been edited, altered, or
67 otherwise manipulated from its original form.

68 b. A recording that a reasonable person would believe
69 actually depicts an identifiable individual, regardless of
70 whether any portion of the recording depicts another
71 individual or is artificially generated.

72 (c) (1) For purposes of this section, a "reasonable
73 expectation of privacy" includes, but is not limited to,
74 either of the following circumstances:

75 a. The individual depicted in the private image created
76 it or consented to its creation believing that it would remain
77 confidential.

78 b. The sexual conduct depicted in the image was
79 involuntary.

80 (2) There is no reasonable expectation of privacy
81 against the transmission of a private image made voluntarily
82 in a public setting or made with prior written consent in a
83 commercial setting.

84 (d) It is a defense to distributing a private image if



85 the distribution of the private image was made in the public
86 interest, including, but not limited to, the reporting of
87 unlawful conduct; the lawful and common practices of law
88 enforcement, legal proceedings, or medical treatment; or a
89 bona fide attempt to prevent further distribution of the
90 private image.

91 (e) The crimes of distributing a private image and
92 creating a private image shall be considered to be committed
93 in any county in which any part of the crime took place, in
94 the county of residence of the victim or defendant, or any
95 county where the image is received.

96 (f) A violation of this section is a Class A
97 misdemeanor. A subsequent adjudication or conviction under
98 this section is a Class C felony.

99 (g) If the Attorney General has reason to believe a
100 person has engaged in, or is engaging in, a violation of this
101 section, the Attorney General may petition for an emergency
102 injunction or other necessary relief to enjoin the violation,
103 and may order the person to provide a copy of the written
104 consent required by this section.

105 (h) No Internet service provider, search engine, cloud
106 service provider, or affiliate or subsidiary of any of the
107 same, shall be held to have violated this section solely for
108 providing access or connection to or from a website, other
109 information or content on the Internet, or a facility, system,
110 or network not under the control of the provider, including,
111 but not limited to, the transmission, download, intermediate
112 storage, or access software of content that is a private image



113 or is child sexual abuse material to the extent the provider
114 is not responsible for the creation of the content of the
115 communication that constitutes the private image or child
116 sexual abuse material.

117 (i) (1) No developer or provider of technology shall be
118 held to have violated this section solely for providing or
119 developing ~~technology used by another person to violate this~~
120 ~~section~~ a neutral, general purpose tool that has substantial
121 lawful uses and is not designed, marketed, or promoted for the
122 creation of a private image.

123 (2) Subdivision (1) shall not apply to any developer or
124 provider of technology that, with knowledge or reckless
125 disregard, designs, markets, advertises, promotes, configures,
126 or operates a product or service in a manner that facilitates,
127 enables, or encourages the creation, alteration, or generation
128 of a private image, including by doing any of the following:

129 a. Promoting the product or tool to generate sexually
130 explicit, nude, or sexualized images of an identifiable
131 individual.

132 b. Providing prompts, tutorials, demonstrations, or
133 examples instructing users on the process to create a private
134 image.

135 c. Training, fine tuning, or configuring a system
136 primarily for the general of sexually explicit or
137 nonconsensual sexualized imagery of an identifiable
138 individual.

139 d. Making a material contribution, as defined in
140 Section 2 of the act amending this section, to the production,



141 alteration, or dissemination of a private image.

142 (3) A developer or provider described in subdivision
143 (2) shall be deemed responsible for the creation or
144 facilitation of a private image.

145 (4) Nothing in this subsection shall be construed to
146 limit liability where a developer or provider knowingly or
147 recklessly profits from the production or dissemination of a
148 private image."

149 Section 2. (a) For the purposes of this section, the
150 following terms have the following meanings:

151 (1) CHILD SEXUAL ABUSE MATERIAL. As defined in Section
152 13A-12-190, Code of Alabama 1975.

153 (2) ILLICIT MATERIAL. Any private image or child sexual
154 abuse material.

155 (3) MATERIAL CONTRIBUTION. Any action that meaningfully
156 assists, enables, accelerates, optimizes, or encourages the
157 production of illicit material.

158 (4) NUDIFICATION APPLICATION. A system, model, or
159 software designed, marketed, or commonly used to remove
160 clothing, simulate nudity, or generate sexualized imagery of
161 an identifiable individual.

162 (5) PRIVATE IMAGE. As defined in Section 13A-6-240,
163 Code of Alabama 1975.

164 (6) VIOLATOR. Any of the following:

165 a. A person who owns an Internet website or
166 application, including a social media platform, and recklessly
167 facilitates the production or disclosure of illicit material
168 in exchange for payment.



169 b. A person who owns a publicly accessible nudification
170 application from which illicit material is produced.

171 c. A person who recklessly processes or facilitates
172 payment for the production or disclosure of illicit material
173 through a website or application.

174 (b) A violator shall be liable to an individual
175 depicted in illicit material for damages arising from the
176 production or disclosure of the illicit material if the
177 violator knows or recklessly disregards that the depicted
178 individual did not consent to the production or disclosure of
179 the illicit material.

180 (c) A violator shall be liable to an individual
181 depicted in illicit material for damages arising from the
182 production or disclosure of the illicit material if the
183 individual depicted requests the removal of the illicit
184 material and the violator hosting the illicit material fails
185 to both: (i) remove the illicit material within 72 hours of
186 receiving the request; and (ii) make reasonable efforts to
187 identify and remove any known identical copies of the illicit
188 material.

189 (d) A person who owns an Internet website or
190 application, including a social media platform, shall make
191 both of the following available on the website or application:

192 (1) An easily accessible system that allows an
193 individual to submit a request for the removal of illicit
194 material.

195 (2) A clear and conspicuous notice, which may be
196 provided through a clear and conspicuous link to another web



197 page or disclosure, of the removal process established under
198 this subsection that meets both of the following criteria:

199 a. Is written in plain language that is easily read.

200 b. Provides information regarding the responsibilities
201 of the person who owns the website or application under this
202 section, including a description of how an individual can
203 submit a request for the removal of illicit material and how
204 to track the status of a request.

205 (e) A violation of this section is a deceptive trade
206 practice actionable under Chapter 19 of Title 8 of the Code of
207 Alabama 1975. If the Attorney General has reason to believe
208 that an entity is in violation of this act, the Attorney
209 General may bring an action against the entity for an unfair
210 or deceptive trade practice. In addition to other remedies
211 available under Chapter 19 of Title 8 of the Code of Alabama
212 1975, the Attorney General may collect a civil penalty of up
213 to seven thousand five hundred dollars (\$7,500) per violation,
214 reasonable attorney fees, and court costs.

215 (f) If a violation described in subsection (e) is part
216 of a consistent pattern of knowing or reckless conduct, the
217 Attorney General may seek punitive damages against the entity.

218 (g) An action for a claim under this section must be
219 brought within one year from the date the Attorney General
220 knew or reasonably should have known of the alleged violation.

221 (h) The existence or nonexistence of an enforcement
222 action by the Attorney General pursuant to this section shall
223 not bar, delay, or diminish any private right of action.

224 Section 3. This act shall become effective on October

HB347 INTRODUCED



225 1, 2026.