

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



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.



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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-6-240

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

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



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

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

(2) The term includes both of the following:

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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alteration, or dissemination of a private image.

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

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

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

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

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

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

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

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

(6) VIOLATOR. Any of the following:

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

Section 3. This act shall become effective on October



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225 1, 2026.