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House Committees	Senate Committees
Technology, Digital Innovation & Cybersecurity	Not assigned

A BILL FOR AN ACT

CONCERNING CIVIL LIABILITY FOR A.I. GENERATED CONTENT

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at https://saleg.uscgov.com)

This bill clarifies that individuals who create, generate, or distribute content using artificial intelligence systems remain legally responsible for the resulting content and any civil harm caused by its use. The bill establishes that the use of artificial intelligence does not reduce or eliminate civil liability where conduct would otherwise constitute defamation, invasion of privacy, misappropriation of likeness, or intentional infliction of emotional distress under existing law.

The legislation responds to the increasing use of artificial intelligence tools capable of generating realistic images, audio, and written content that may falsely depict identifiable individuals. The bill specifies that users who knowingly or recklessly create or distribute AI-generated content that causes harm may be held civilly liable to the same extent as if they had created the content without the use of artificial intelligence.

The bill also authorizes courts to issue injunctive relief, including removal or cessation of distribution of harmful AI-generated content. Technology providers that merely supply artificial intelligence tools are not held liable solely for providing access, absent knowing participation in unlawful conduct.

The purpose of the Act is to clarify responsibility for the misuse of artificial intelligence while preserving lawful expression, research, and legitimate uses of AI technology.

1   ***Be it enacted by the General Assembly of the State of San***
2   ***Andreas:***
3   **SECTION 1.** SHORT TITLE. This act shall be known and cited
4   as the "Artificial Intelligence Civil Responsibility Act."
5   **SECTION 2.** LEGISLATIVE FINDINGS AND INTENT. (a) The
6   General Assembly finds that artificial intelligence technologies
7   are increasingly capable of generating realistic images, audio,
8   video, and written content that may falsely depict individuals or
9   events. (b) The misuse of artificial intelligence to create or
10   distribute fabricated content may cause reputational harm,
11   emotional distress, invasion of privacy, and other civil injuries. (c)
12   Existing civil causes of action may not clearly address
13   responsibility where harm results from the intentional or reckless
14   use of artificial intelligence tools. (d) It is the intent of the General
15   Assembly to clarify that individuals remain legally responsible for
16   the content they create, generate, or distribute using artificial
17   intelligence systems, and that such use does not diminish civil
18   liability for unlawful conduct. (e) Nothing in this Act shall restrict
19   lawful speech, journalism, commentary, parody, satire clearly

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1   identifiable as such, academic research, security testing, or
2   educational uses of artificial intelligence systems. **SECTION 3.**
3   DEFINITIONS. For purposes of this Act, unless the context
4   otherwise requires: (a) "Artificial intelligence system" means any
5   computational system capable of generating text, images, audio,
6   video, or other content through automated or machine-learning
7   processes. (b) "AI-generated content" means any content created
8   in whole or in substantial part through the use of an artificial
9   intelligence system. (c) "User" means any person who creates,
10   directs, generates, modifies, or distributes AI-generated content.
11   (d) "Likeness" includes a person's name, image, voice,
12   appearance, or other identifiable characteristics. (e) "Synthetic
13   media" means audio, video, image, or textual content that has
14   been substantially generated, modified, or altered through the use
15   of an artificial intelligence system in a manner that could
16   reasonably cause a person to believe the content depicts real
17   events or statements. **SECTION 4.** CIVIL LIABILITY FOR
18   AI-GENERATED CONTENT. (a) General Rule of Liability. A
19   user who knowingly or recklessly creates, publishes, or distributes
20   AI-generated content that causes legally cognizable harm shall be
21   civilly liable to the same extent as if the user had personally
22   created or disseminated the content without the use of an artificial
23   intelligence system. (b) Artificial Intelligence Not a Defense. The
24   use of an artificial intelligence system shall not constitute a
25   defense to civil liability where the underlying conduct would
26   otherwise give rise to a cause of action under state law. (c)
27   Conduct Giving Rise to Liability. Liability under this section may
28   arise where AI-generated content is knowingly or recklessly
29   created or distributed and: (I) Depicts an identifiable person in a
30   false or misleading manner causing reputational harm; (II) Uses
31   the likeness of an identifiable individual without consent in a
32   sexually explicit or otherwise highly offensive manner; (III)
33   Constitutes defamation, false light invasion of privacy,

1 misappropriation of likeness, or intentional infliction of emotional
2 distress under existing law; (IV) Is generated or distributed with
3 intent to harass, intimidate, or cause substantial emotional harm;
4 or (V) Knowingly generates or distributes synthetic media falsely
5 depicting an identifiable individual engaging in speech or conduct
6 that the individual did not perform, where such depiction would
7 reasonably cause reputational, financial, or emotional harm. (d)
8 Evidentiary Considerations. Proof that content was generated or
9 materially altered through artificial intelligence may be
10 considered by the court in determining intent, recklessness,
11 causation, or damages. (e) Unknowing or Incidental Use. No
12 liability shall arise under this Act solely from incidental or
13 unknowing use of an artificial intelligence system where the user
14 lacked knowledge that the content was false, misleading, or
15 unlawfully generated. (f) Disclosure Safe Harbor. A user who
16 clearly and conspicuously discloses that content is artificially
17 generated or materially altered shall not be liable under this Act
18 absent proof of intent to deceive or cause harm. (g) Determination
19 of Damages. In determining damages under this section, a court
20 may consider: (I) The scale and duration of distribution; (II) The
21 degree of automation involved in creation or dissemination; (III)
22 The intent or recklessness of the user; and (IV) The foreseeability
23 and severity of harm resulting from dissemination of the
24 AI-generated content. (h) In determining whether a user acted
25 knowingly or recklessly under this section, a court may consider
26 whether the user took reasonable steps to verify the accuracy or
27 authenticity of AI-generated content prior to publication or
28 distribution. (i) Where AI-generated content depicts an
29 identifiable individual in a sexually explicit or intimate context
30 without that individual's consent, the court may award enhanced
31 damages upon a finding that the conduct was intentional or
32 malicious. (j) A court may consider whether AI-generated content
33 includes clear labeling or disclosure identifying the content as

artificially generated when evaluating intent, recklessness, or potential deception. (k) Statutory damages for synthetic media harm. In any civil action brought under this section involving AI-generated content that falsely depicts an identifiable individual through synthetic media, the court may award statutory damages in addition to any other remedies available under law. (I) Statutory damages may be awarded in an amount not less than five thousand dollars and not more than one hundred thousand dollars per instance of unlawful creation or distribution of AI-generated content. (II) Where the AI-generated content depicts an identifiable individual in a sexually explicit or intimate context without that individual's consent, statutory damages shall not be less than twenty-five thousand dollars per instance. (III) In determining the amount of statutory damages, the court may consider the scale of dissemination, the intent of the user, the duration of distribution, and the severity of harm caused to the individual depicted. **SECTION 5.** INJUNCTIVE RELIEF. (a) A court may order the removal, correction, or cessation of distribution of AI-generated content found to violate this Act. (b) Courts may grant injunctive relief where continued distribution would result in ongoing harm. (c) Upon a showing of probable ongoing harm arising from AI-generated content, courts may issue temporary injunctive relief on an expedited basis, including orders directing online platforms or distributors to disable access pending final adjudication. (d) Courts granting injunctive relief under this section may require reasonable efforts by the responsible party to remove or disable access to the offending content across platforms or services under that party's control. (e) Courts may prioritize expedited proceedings where the continued circulation of AI-generated content is likely to cause ongoing reputational, emotional, or financial harm. **SECTION 5.5.** NOTIFICATION AND REMOVAL. (a) A person alleging harm from AI-generated content may provide written notice to a

1 distributor or hosting platform identifying the unlawful content.
2 (b) A platform receiving notice in good faith may temporarily
3 restrict access to the content pending judicial determination
4 without incurring liability. (c) A person submitting notice under
5 this section shall identify the allegedly harmful AI-generated
6 content with sufficient specificity to enable the platform or
7 distributor to locate the content. (d) Election-related synthetic
8 media. Where AI-generated content falsely depicts an identifiable
9 candidate for public office or materially misrepresents a
10 candidate's speech, conduct, or endorsement in connection with
11 an election, a court may order expedited removal or disabling of
12 access to such content upon a showing that the content is likely to
13 cause reputational or electoral harm. (I) Courts may issue
14 temporary injunctive relief on an expedited basis where the
15 content is distributed within ninety days preceding an election.
16 (II) Upon issuance of an order under this subsection, a distributor,
17 hosting service, or online platform receiving notice of the order
18 shall remove or disable access to the identified content as soon as
19 reasonably practicable but not later than forty-eight hours after
20 receiving the order. (III) Nothing in this subsection shall apply to
21 content that is clearly identified as satire, parody, commentary, or
22 news reporting. (e) A candidate for public office who is the
23 subject of alleged AI-generated synthetic media may petition a
24 court for emergency relief under this section, and the court shall
25 prioritize such petitions where an election is imminent.
26 **SECTION 6.** SAFE HARBOR FOR TECHNOLOGY
27 PROVIDERS. (a) Providers of artificial intelligence systems shall
28 not be civilly liable solely for providing access to an AI system,
29 absent proof of knowing participation in unlawful conduct. (b)
30 Nothing in this section limits liability otherwise established under
31 existing law. (c) Providers of artificial intelligence systems shall
32 not be considered users under this Act solely by reason of
33 developing, training, or maintaining artificial intelligence

1   technologies that may be used by others to generate content.
2   **SECTION 6.5.** GOVERNMENT USE OF ARTIFICIAL
3   INTELLIGENCE. (a) Any state or local governmental entity
4   utilizing AI-generated content in public communications shall
5   disclose when such content has been materially generated or
6   altered through artificial intelligence systems. (b) Public
7   disclosures required under this section shall be clear and
8   conspicuous and reasonably understandable to the public.
9   **SECTION 7.** RELATION TO EXISTING LAW. (a) This Act
10   supplements existing civil causes of action and does not create
11   new criminal offenses unless otherwise provided by law. (b)
12   Nothing in this Act shall be interpreted to limit protections
13   afforded to lawful speech under the state or federal constitution.
14   **SECTION 8.** EFFECTIVE DATE. This Act shall take effect after
15   the 90 day period following the final adjournment of the
16   Seventy-Seventh general assembly.