INTRODUCED

LLS NO. 26-0721.01 Alexis Holmes x2352

HOUSE BILL 26-016

SENATE SPONSORSHIP

Harrison, Murillo

HOUSE SPONSORSHIP

Suarez, Arnold, Cole, Gomez, Haynes, Hurst, Mendoza, Price, Rocha, Ross, Schneider

House Committees	Senate Committees
Not assigned	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 is intended
19   to restrict lawful speech, artistic expression, satire clearly

1   identified as such, or legitimate research and educational uses.
2   **SECTION 3.** DEFINITIONS. For purposes of this Act, unless the
3   context otherwise requires: (a) "Artificial intelligence system"
4   means any computational system capable of generating text,
5   images, audio, video, or other content through automated or
6   machine-learning processes. (b) "AI-generated content" means
7   any content created in whole or in substantial part through the use
8   of an artificial intelligence system. (c) "User" means any person
9   who creates, directs, generates, modifies, or distributes
10 AI-generated content. (d) "Likeness" includes a person's name,
11 image, voice, appearance, or other identifiable characteristics.
12 **SECTION 4.** CIVIL LIABILITY FOR AI-GENERATED
13 CONTENT. (a) A user who creates, publishes, or distributes
14 AI-generated content shall be civilly liable for harms caused by
15 such content to the same extent as if the user had personally
16 created the content without the use of artificial intelligence. (b)
17 The use of an artificial intelligence system shall not constitute a
18 defense to civil liability where the underlying conduct would
19 otherwise give rise to a cause of action under state law. (c) A user
20 shall be liable where AI-generated content: (I) Knowingly or
21 recklessly depicts a person in a false or misleading manner that
22 causes reputational harm; (II) Uses the likeness of an identifiable
23 individual without consent in a sexually explicit or otherwise
24 highly offensive manner; (III) Constitutes defamation, false light
25 invasion of privacy, misappropriation of likeness, or intentional
26 infliction of emotional distress under existing law; or (IV) Is
27 generated or distributed with intent to harass, intimidate, (V) or
28 cause substantial emotional harm. (d) Proof that content was
29 artificially generated may be considered by the court in
30 determining intent, recklessness, or damages. **SECTION 5.**
31 INJUNCTIVE RELIEF. (a) A court may order the removal,
32 correction, or cessation of distribution of AI-generated content
33 found to violate this Act. (b) Courts may grant injunctive relief

1   where continued distribution would result in ongoing harm.

2   **SECTION 6.** SAFE HARBOR FOR TECHNOLOGY

3   PROVIDERS. (a) Providers of artificial intelligence systems shall

4   not be civilly liable solely for providing access to an AI system,

5   absent proof of knowing participation in unlawful conduct. (b)

6   Nothing in this section limits liability otherwise established under

7   existing law. **SECTION 7.** RELATION TO EXISTING LAW.

8   This Act supplements existing civil causes of action and does not

9   create new criminal offenses unless otherwise provided by law.

10   **SECTION 8.** EFFECTIVE DATE. This Act shall take effect after

11   the 90 day period following the final adjournment of the

12   Seventy-Seventh general assembly.

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