

HOUSE BILL 26-016

By Senator(s) Harrison, Murillo
also Representative(s) Suarez, Arnold, Cole

AN ACT**CONCERNING CIVIL LIABILITY FOR A.I. GENERATED CONTENT.**

Be It Enacted by the General Assembly of the State of San Andreas:

SECTION 1. SHORT TITLE.

This act shall be known and cited as the “Artificial Intelligence Civil Responsibility Act.”

SECTION 2. LEGISLATIVE FINDINGS AND INTENT.

- (a) The General Assembly finds that artificial intelligence technologies are increasingly capable of generating realistic images, audio, video, and written content that may falsely depict individuals or events.
- (b) The misuse of artificial intelligence to create or distribute fabricated content may cause reputational harm, emotional distress, invasion of privacy, and other civil injuries.
- (c) Existing civil causes of action may not clearly address responsibility where harm results from the intentional or reckless use of artificial intelligence tools.
- (d) It is the intent of the General Assembly to clarify that individuals remain legally responsible for the content they create, generate, or distribute using artificial intelligence systems, and that such use does not diminish civil liability for unlawful conduct.
- (e) Nothing in this Act shall restrict lawful speech, journalism, commentary, parody, satire clearly identifiable as such, academic research, security testing, or educational uses of artificial intelligence systems.

SECTION 3. DEFINITIONS.

For purposes of this Act, unless the context otherwise requires:

- (a) “Artificial intelligence system” means any computational system capable of generating text, images, audio, video, or other content through automated or machine-learning processes.
- (b) “AI-generated content” means any content created in whole or in substantial part through the use of an artificial intelligence system.
- (c) “User” means any person who creates, directs, generates, modifies, or distributes AI-generated content.
- (d) “Likeness” includes a person’s name, image, voice, appearance, or other identifiable characteristics.

(e) “Synthetic media” means audio, video, image, or textual content that has been substantially generated, modified, or altered through the use of an artificial intelligence system in a manner that could reasonably cause a person to believe the content depicts real events or statements.

SECTION 4. CIVIL LIABILITY FOR AI-GENERATED CONTENT.

(a) General Rule of Liability. A user who knowingly or recklessly creates, publishes, or distributes AI-generated content that causes legally cognizable harm shall be civilly liable to the same extent as if the user had personally created or disseminated the content without the use of an artificial intelligence system.

(b) Artificial Intelligence Not a Defense. The use of an artificial intelligence system shall not constitute a defense to civil liability where the underlying conduct would otherwise give rise to a cause of action under state law.

(c) Conduct Giving Rise to Liability. Liability under this section may arise where AI-generated content is knowingly or recklessly created or distributed and:

(I) Depicts an identifiable person in a false or misleading manner causing reputational harm;

(II) Uses the likeness of an identifiable individual without consent in a sexually explicit or otherwise highly offensive manner;

(III) Constitutes defamation, false light invasion of privacy, misappropriation of likeness, or intentional infliction of emotional distress under existing law;

(IV) Is generated or distributed with intent to harass, intimidate, or cause substantial emotional harm; or

(V) Knowingly generates or distributes synthetic media falsely depicting an identifiable individual engaging in speech or conduct that the individual did not perform, where such depiction would reasonably cause reputational, financial, or emotional harm.

(d) Evidentiary Considerations. Proof that content was generated or materially altered through artificial intelligence may be considered by the court in determining intent, recklessness, causation, or damages.

(e) Unknowing or Incidental Use. No liability shall arise under this Act solely from incidental or unknowing use of an artificial intelligence system where the user lacked knowledge that the content was false, misleading, or unlawfully generated.

(f) Disclosure Safe Harbor. A user who clearly and conspicuously discloses that content is artificially generated or materially altered shall not be liable under this Act absent proof of intent to deceive or cause harm.

(g) Determination of Damages. In determining damages under this section, a court may consider:

(I) The scale and duration of distribution;

(II) The degree of automation involved in creation or dissemination;

(III) The intent or recklessness of the user; and

(IV) The foreseeability and severity of harm resulting from dissemination of the AI-generated content.

(h) In determining whether a user acted knowingly or recklessly under this section, a court may consider whether the user took reasonable steps to verify the accuracy or authenticity of AI-generated content prior to publication or distribution.

(i) Where AI-generated content depicts an identifiable individual in a sexually explicit or intimate context without that individual's consent, the court may award enhanced damages upon a finding that the conduct was intentional or malicious.

(j) A court may consider whether AI-generated content 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 distributor or hosting platform identifying the unlawful content.

- (b) A platform receiving notice in good faith may temporarily restrict access to the content pending judicial determination without incurring liability.
- (c) A person submitting notice under this section shall identify the allegedly harmful AI-generated content with sufficient specificity to enable the platform or distributor to locate the content.
- (d) Election-related synthetic media. Where AI-generated content falsely depicts an identifiable candidate for public office or materially misrepresents a candidate's speech, conduct, or endorsement in connection with an election, a court may order expedited removal or disabling of access to such content upon a showing that the content is likely to cause reputational or electoral harm.
- (I) Courts may issue temporary injunctive relief on an expedited basis where the content is distributed within ninety days preceding an election.
- (II) Upon issuance of an order under this subsection, a distributor, hosting service, or online platform receiving notice of the order shall remove or disable access to the identified content as soon as reasonably practicable but not later than forty-eight hours after receiving the order.
- (III) Nothing in this subsection shall apply to content that is clearly identified as satire, parody, commentary, or news reporting.
- (e) A candidate for public office who is the subject of alleged AI-generated synthetic media may petition a court for emergency relief under this section, and the court shall prioritize such petitions where an election is imminent.

SECTION 6. SAFE HARBOR FOR TECHNOLOGY PROVIDERS.

- (a) Providers of artificial intelligence systems shall not be civilly liable solely for providing access to an AI system, absent proof of knowing participation in unlawful conduct.
- (b) Nothing in this section limits liability otherwise established under existing law.
- (c) Providers of artificial intelligence systems shall not be considered users under this Act solely by reason of developing, training, or maintaining artificial intelligence technologies that may be used by others to generate content.

SECTION 6.5. GOVERNMENT USE OF ARTIFICIAL INTELLIGENCE.

- (a) Any state or local governmental entity utilizing AI-generated content in public communications shall disclose when such content has been materially generated or altered through artificial intelligence systems.
- (b) Public disclosures required under this section shall be clear and conspicuous and reasonably understandable to the public.

SECTION 7. RELATION TO EXISTING LAW.

- (a) This Act supplements existing civil causes of action and does not create new criminal offenses unless otherwise provided by law.

(b) Nothing in this Act shall be interpreted to limit protections afforded to lawful speech under the state or federal constitution.