

Amendment to SB 263

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Paragraph; Endangering Welfare of a Child; Responsive Generative Communication.

4 Amend RSA 639:3 by inserting after paragraph III the following new paragraph:

5 III-a.(a) In the prosecution of any person under this section, an owner or operator of a
6 computer online service, internet service, or bulletin board service, including a provider of an
7 artificial intelligence (AI) chat program, large language model artificial intelligence bot, chat bot,
8 character AI, or other computer application whose sole purpose is to provide responsive open-ended
9 generative communication through the use of artificial intelligence, constitutes endangering the
10 welfare of a child if the communication is made with the intent to facilitate, encourage, offer, solicit,
11 or recommend that the child imminently engage in:

12 (1) Sexually explicit conduct.

13 (2) The production or participation in the production of a visual depiction of such
14 conduct.

15 (3) The illegal use or drugs or alcohol.

16 (4) Acts of self-harm or suicide.

17 (5) Any crime of violence against another person.

18 (b) This paragraph shall not apply to:

19 (1) A provider of a telecommunications service or an information service, as defined
20 in 47 U.S.C. section 153, for the provision of content created by or supplied on behalf of another
21 person; or

22 (2) Any product, service, website, or application that provides an AI chat program or
23 character that is integral or incidental to a video game, television, streaming, movie, or other similar
24 interactive experience.

25 2 New Section; Private Right of Action; Responsive Generative Communication with Children.

26 Amend RSA 507 by inserting after section 8-j the following new section:

27 507:8-k Private Right of Action for Solicitation of Children Through Responsive Generative
28 Communication.

29 I. Any owner or operator of a computer online service, internet service, or bulletin board
30 service, including a provider of an artificial intelligence (AI) chat program, large language model
31 artificial intelligence bot, chat bot, character AI, or other computer application whose sole purpose is
32 to provide responsive open-ended generative communication through the use of artificial intelligence,

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1 shall be liable to a child, parent of such child, or next friend of such child, for any communication
2 made with the intent to facilitate, encourage, offer, solicit, or recommend that the child imminently
3 engage in:

4 (1) Sexually explicit conduct.

5 (2) The production or participation in the production of a visual depiction of such
6 conduct.

7 (3) The illegal use of drugs or alcohol.

8 (4) Acts of self-harm or suicide.

9 (5) Any crime of violence against another person.

10 II. The owner or operator of such service shall be liable to the child, the child's parent, or the
11 child's next friend for damages proximately caused thereby, but in no instance liable for an amount
12 less than liquidated damages in the amount of \$1,000 per violation.

13 III. In addition to any damages set forth in this section, the owner or operator of a computer
14 service described in this chapter shall be liable for the attorney's fees of any plaintiff prevailing in an
15 action brought pursuant to this section.

16 IV. This section shall not apply to:

17 (1) A provider of a telecommunications service or an information service, as defined
18 in 47 U.S.C. section 153, for the provision of content created by or supplied on behalf of another
19 person; or

20 (2) Any product, service, website, or application that provides an AI chat program or
21 character that is integral or incidental to a video game, television, streaming, movie, or other similar
22 interactive experience.

23 3 Effective Date. This act shall take effect January 1, 2026.