Rep. Alexander Jr., Hills. 29
April 23, 2025
2025-1717h
11/09

Amendment to SB 263

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

1 New Paragraph; Endangering Welfare of a Child; Responsive Generative Communication. Amend RSA 639:3 by inserting after paragraph III the following new paragraph:

III-a.(a) For the purposes of prosecution under this section, an owner or operator of a computer online service, Internet service, or bulletin board service, including a provider of an artificial intelligence (AI) chat program, large language model artificial intelligence bot, chat bot, character AI, or other computer application, the sole purpose of which is to provide responsive open-ended generative communication through the use of artificial intelligence, commits the offense of endangering the welfare of a child if the owner or operator knows at the time that they direct the communication to the child that the communication is made with the intent to facilitate, encourage, offer, solicit, or recommend that the child imminently engage in:

(1) Sexually explicit conduct.

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

(3) The illegal use of drugs or alcohol.

(4) Acts of self-harm or suicide.

(5) Any crime of violence against another person.

(b) This paragraph shall not apply to:

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

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

2 New Section; Enforcement; Responsive Generative Communication with Children. Amend RSA 507 by inserting after section 8-j the following new section:

507:8-k Enforcement Action for Solicitation of Children Through Responsive Generative Communication.

I. Any owner or operator of a computer online service, Internet service, or bulletin board service, including a provider of an artificial intelligence (AI) chat program, large language model artificial intelligence bot, chat bot, character AI, or other computer application, the sole purpose of

which is to provide responsive open-ended generative communication through the use of artificial intelligence, shall be liable to a child, parent of such child, or next friend of such child if the owner or operator knows at the time that they direct the communication to the child that the communication is made with the intent to facilitate, encourage, offer, solicit, or recommend that the child imminently engage in:

(1) Sexually explicit conduct.

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

(3) The illegal use of drugs or alcohol.

(4) Acts of self-harm or suicide.

(5) Any crime of violence against another person.

II. The attorney general may bring an action against an owner or operator that violates this section for damages proximately caused to a child, as provided in paragraph III, or for appropriate injunctive relief. Prior to initiating such action, the attorney general shall provide the owner or operator with written notice of each alleged violation and the factual basis thereof, and shall give the owner or operator 90 days to provide assurances satisfactory to the attorney general that the owner or operator has cured the violations and has taken adequate steps to prevent future violations. If such assurances satisfactory to the attorney general are provided, the attorney general shall not initiate an action against the owner or operator for such violations. The attorney general shall have the sole right of action for a violation of this section.

III. An owner or operator of such service shall be liable to a child, or the parent or next friend of the child, for damages proximately caused by a violation of paragraph I, but in no instance liable for an amount less than liquidated damages in the amount of $1,000 per violation.

IV. This section shall not apply to:

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

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

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