

Senate Judiciary Committee

Pete Mulvey 271-4063

SB 300-FN, criminalizing the creation of child intimate visual representations.

Hearing Date: March 4, 2025

Time Opened: 1:48 p.m.

Time Closed: 1:56 p.m.

Members of the Committee Present: Senators Gannon, Carson and Reardon

Members of the Committee Absent : Senators Abbas and Altschiller

Bill Analysis: This bill makes it a class B felony and a tier II registrable offense for a person to knowingly create, produce, manufacture, or direct an intimate visual representation of a child without the parent or guardian's consent.

Sponsors:

Sen. Innis

Sen. Lang

Sen. Avard

Sen. Carson

Sen. Pearl

Sen. McConkey

Sen. McGough

Sen. Sullivan

Sen. Gannon

Sen. Rochefort

Sen. Long

Sen. Watters

Rep. Thibault

Rep. Sellers

Who supports the bill: Nine individuals signed in support. Contact peter.mulvey@gc.nh.gov for further details.

Who opposes the bill: One individual opposed the bill. Contact peter.mulvey@gc.nh.gov for further details.

Who is neutral on the bill: N/A

Summary of testimony:

Senator Daniel Innis

Senate District 7

- SB 300-FN was a late file and arose from a constituent case.
- Sen. Innis reported that an individual used AI to undress high school soccer players, and parents were notified by Homeland Security who conveyed to them that nothing in law made what happened to their children illegal.
- Sen. Innis worked with Attorney General John Formella to craft SB 300-FN.
- SB 300-FN made it a class B felony to create visualizations of minors in an intimate manner.

Tamara Hester

New Hampshire State Police (NHSP)

- Lieutenant Hester worked in special investigations
- The NHSP was an affiliate of the Crimes Against Children Task Force.
- The NHSP was generally supportive of the legislation.
- SB 300-FN closed the gap regarding material which failed to meet the definition of Child Sex Abuse images yet were still being considerably troubling.
- SB 300-FN did not specifically address the possession of material, or distribution – just creation and manufacture.
- Lieutenant Hester recommended amending Section 1-B to not remove too much liability from parents. The purpose of the image was more important than consent in the broader context.
- Sen. Gannon asked if having the AI software in question was problematic on its own.
 - Lieutenant. Hester said there were a variety of programs, some more sophisticated than others.
- Sen. Gannon clarified and asked if it was legally okay to have the software and it's just the use that can be problematic in law.
 - Lieutenant Hester confirmed.

Stephen Endres

Assistant County Attorney - Merrimack County District Attorney's Office

- Mr. Endres supported the idea behind SB 300-FN.
- Mr. Endres had concerns related to language.
- By making certain conduct illegal, the body implicitly said conduct beyond the specified category was legal.
- SB 300-FN made it illegal to photograph naked children without parental consent
- Mr. Endres emphasized that whether a parent consented or not was completely irrelevant and troubling.
- Mr. Endres noted that nudity did not fall into the category of sexual conduct, and current law did not consider nipples or buttocks in that category, yet this SB 300-FN did.
- Mr. Endres reiterated his concern regarding parental consent language. Sometimes parents exploit their children.
- Mr. Endres requested to add language to create exceptions for medical professionals and emergency professionals as there were legitimate cases where photographing injuries or otherwise may be required.