

SB 263 - AS AMENDED BY THE SENATE

03/20/2025 0745s

2025 SESSION

25-1152

11/09

SENATE BILL

263

AN ACT criminalizing and creating a private right of action for the facilitation, encouragement, offer, solicitation, or recommendation of certain acts or actions through a responsive generative communication to a child.

SPONSORS: Sen. Carson, Dist 14; Sen. Innis, Dist 7; Sen. Lang, Dist 2; Rep. Osborne, Rock. 2; Rep. Kofalt, Hills. 32; Rep. Packard, Rock. 16

COMMITTEE: Judiciary

ANALYSIS

This bill criminalizes and creates a private right of action for the facilitation, encouragement, offer, solicitation, or recommendation of certain acts or actions through a responsive generative communication to a child.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT criminalizing and creating a private right of action for the facilitation, encouragement, offer, solicitation, or recommendation of certain acts or actions through a responsive generative communication to a child.

Be it Enacted by the Senate and House of Representatives in General Court convened:

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

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

10 (1) Sexually explicit conduct.
11 (2) The production or participation in the production of a visual depiction of such
12 conduct.

13 (3) The illegal use or drugs or alcohol.
14 (4) Acts of self-harm or suicide.
15 (5) Any crime of violence against another person.

16 (b) This paragraph 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 2 New Section; Private Right of Action; Responsive Generative Communication with Children.
24 Amend RSA 507 by inserting after section 8-j the following new section:

25 507:8-k Private Right of Action for Solicitation of Children Through Responsive Generative
26 Communication.

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

1 to provide responsive open-ended generative communication through the use of artificial intelligence,
2 shall be liable to a child, parent of such child, or next friend of such child, for any communication
3 made with the intent to facilitate, encourage, offer, solicit, or recommend that the child imminently
4 engage in:

5 (1) Sexually explicit conduct.

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

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

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

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

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

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

17 IV. This section shall not apply to:

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

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

24 3 Effective Date. This act shall take effect January 1, 2026.

**SB 263- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2025-0745s)**

AN ACT criminalizing and creating a private right of action for the facilitation, encouragement, offer, solicitation, or recommendation of certain acts or actions through a responsive generative communication to a child.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

In addition to possible criminal penalties, the bill may result in additional civil cases in the Superior Court. There is no way to determine how many additional civil cases may result, but the Judicial Branch has provided the following average cost and fee information for civil cases:

Judicial Branch Average Cost Estimates	FY 2025	FY 2026
Superior Court Complex Civil Case	\$1,430	\$1,473
Superior Court Routine Civil Case	\$535	\$552

Superior Court Fees	
Original Entry Fee	\$280
Third-Party Claim	\$280
Motion to Reopen	\$160

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association