

SB 263 - AS AMENDED BY THE HOUSE

03/20/2025 0745s
8May2025... 1717h

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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) For the purposes of prosecution 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, the sole purpose of which is to provide responsive open-
7 ended generative communication through the use of artificial intelligence, commits the offense of
8 endangering the welfare of a child if the owner or operator knows at the time that they direct the
9 communication to the child that the communication is made with the intent to facilitate, encourage,
10 offer, solicit, or recommend that the child imminently engage in:

11 (1) Sexually explicit conduct.

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

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

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

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

17 (b) This paragraph shall not apply to:

18 (1) A cloud service provider, or a provider of a telecommunications service or an
19 information service, as defined in 47 U.S.C. section 153, with respect to the provision of content
20 created by or supplied on behalf of another 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 2 New Section; Enforcement; Responsive Generative Communication with Children. Amend
25 RSA 507 by inserting after section 8-j the following new section:

26 507:8-k Enforcement Action for Solicitation of Children Through Responsive Generative
27 Communication.

28 I. Any owner or operator of a computer online service, Internet service, or bulletin board
29 service, including a provider of an artificial intelligence (AI) chat program, large language model

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1 artificial intelligence bot, chat bot, character AI, or other computer application, the sole purpose of
2 which is to provide responsive open-ended generative communication through the use of artificial
3 intelligence, shall be liable to a child, parent of such child, or next friend of such child if the owner or
4 operator knows at the time that they direct the communication to the child that the communication
5 is made with the intent to facilitate, encourage, offer, solicit, or recommend that the child
6 imminently engage in:

7 (1) Sexually explicit conduct.

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

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

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

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

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

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

25 IV. This section shall not apply to:

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

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

32 3 Effective Date. This act shall take effect January 1, 2026.

**SB 263-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-1717h)**

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