

HB 143 - VERSION ADOPTED BY BOTH BODIES

6Mar2025... 0408h
6Mar2025... 0774h
06/05/2025 2608s
06/05/2025 2581s
06/05/2025 2583s
06/05/2025 2510s
26Jun2025... 2843CofC
26Jun2025... 2922EBA

2025 SESSION

25-0332
09/11

HOUSE BILL **143**

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: Rep. Harvey-Bolia, Belk. 3; Rep. Osborne, Rock. 2; Rep. Pauer, Hills. 36; Rep. Peternel, Carr. 6; Rep. Terry, Belk. 7; Rep. Thibault, Merr. 25; Rep. Creighton, Hills. 30; Sen. McGough, Dist 11

COMMITTEE: Criminal Justice and Public Safety

AMENDED 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 struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

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

4 1 New Paragraph; Endangering Welfare of Child; Responsive Generative Communication.
5 Amend RSA 639:3 by inserting after paragraph III the following new paragraph:

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

14 (1) Sexually explicit conduct.

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

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

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

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

20 (b) This paragraph shall not apply to:

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

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

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1 2 New Section; Enforcement; Responsive Generative Communication with Children. Amend
2 RSA 507 by inserting after section 8-j the following new section:

3 507:8-k Enforcement Action for Solicitation of Children Through Responsive Generative
4 Communication.

5 I. Any owner or operator of a computer online service, Internet service, or bulletin board
6 service, including a provider of an artificial intelligence (AI) chat program, large language model
7 artificial intelligence bot, chat bot, character AI, or other computer application, the sole purpose of
8 which is to provide responsive open-ended generative communication through the use of artificial
9 intelligence, shall be liable to a child, parent of such child, or next friend of such child if the owner or
10 operator knows at the time that they direct the communication to the child that the communication
11 is made with the intent to facilitate, encourage, offer, solicit, or recommend that the child
12 imminently engage in:

13 (a) Sexually explicit conduct.

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

16 (c) The illegal use of drugs or alcohol.

17 (d) Acts of self-harm or suicide.

18 (e) Any crime of violence against another person.

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

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

31 IV. This section shall not apply to:

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

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

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