

SB 263 - AS INTRODUCED

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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. 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 that provides responsive generative communication
7 through the use of artificial intelligence, constitutes endangering the welfare of a child if the
8 communication facilitates, encourages, offers, solicits, or recommends that any child engage in:

9 (a) Sexually explicit conduct.

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

12 (c) The illegal use or drugs or alcohol.

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

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

15 2 New Section; Private Right of Action; Responsive Generative Communication with Children.

16 Amend RSA 507 by inserting after section 8-j the following new section:

17 507:8-k Private Right of Action for Solicitation of Children Through Responsive Generative
18 Communication.

19 I. Any owner or operator of a computer online service, internet service, or bulletin board
20 service, including a provider of an artificial intelligence (AI) chat program, large language model
21 artificial intelligence bot, chat bot, character AI, or other computer application that provides
22 responsive generative communication through the use of artificial intelligence shall be liable to a
23 child, parent of such child, or next friend of such child, for any communication with a child that
24 facilitates, encourages, offers, solicits, or recommends that any child engage in:

25 (a) Sexually explicit conduct.

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

28 (c) The illegal use or drugs or alcohol.

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

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

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

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

8 3 Effective Date. This act shall take effect January 1, 2026.