

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 21, 2025
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB25-288 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 3, after line 11 insert:
- 2 "(1) "BROADCASTER" MEANS AN ENTITY THAT OPERATES A
- 3 LICENSED AM, FM, OR TELEVISION BROADCAST FACILITY UNDER THE
- 4 JURISDICTION OF THE FEDERAL COMMUNICATIONS COMMISSION,
- 5 INCLUDING A DIGITAL PLATFORM OWNED AND OPERATED BY THE ENTITY."
- 6 Renumber succeeding subsections accordingly.
- 7 Page 8, line 15, strike "BY LAW ENFORCEMENT;" and substitute "TO LAW
- 8 ENFORCEMENT; OR".
- 9 Page 8, line 16, strike "OR".
- 10 Page 8, strike line 17.
- 11 Page 10, after line 2 insert:
- 12 "(6) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART
- 13 15, A BROADCASTER IS NOT LIABLE PURSUANT TO THIS PART 15 SOLELY
- 14 FOR THE BROADCAST, REBROADCAST, OR PUBLICATION OF THIRD-PARTY
- 15 CONTENT THAT CONTAINS OR IS ALLEGED TO CONTAIN AN INTIMATE
- 16 DIGITAL DEPICTION IF THE BROADCASTER:
- 17 (I) DID NOT CREATE, ALTER, OR MATERIALLY CONTRIBUTE TO THE
- 18 DEVELOPMENT OF THE INTIMATE DIGITAL DEPICTION;
- 19 (II) LACKED ACTUAL KNOWLEDGE THAT THE CONTENT WAS AN
- 20 INTIMATE DIGITAL DEPICTION THAT THE DEPICTED INDIVIDUAL DID NOT
- 21 CONSENT TO HAVE DISCLOSED; AND
- 22 (III) UPON OBTAINING THE ACTUAL KNOWLEDGE DESCRIBED IN
- 23 SUBSECTION (6)(a)(II) OF THIS SECTION, ACTED PROMPTLY AND IN GOOD

1 FAITH TO REMOVE, CEASE FURTHER DISSEMINATION OF, OR OTHERWISE
2 LIMIT ACCESS TO THE CONTENT, WHEN REASONABLY FEASIBLE.

3 (b) THIS SUBSECTION (6) DOES NOT LIMIT LIABILITY IF A
4 BROADCASTER KNOWINGLY OR RECKLESSLY BROADCASTS, PUBLISHES, OR
5 DISTRIBUTES CONTENT IN VIOLATION OF THIS PART 15, OR FAILS TO
6 RESPOND TO A VALID REQUEST TO REMOVE THE MATERIAL."

7 Renumber succeeding subsection accordingly.

8 Page 11, line 10, after "**add**" insert "(1.7),".

9 Page 11, strike lines 11 through 13 and substitute:

10 "**18-6-403. Sexual exploitation of a child - legislative**
11 **declaration - definitions.** (1.7) THE GENERAL ASSEMBLY FURTHER FINDS
12 AND DECLARES THAT:

13 (a) DUE TO ADVANCES IN TECHNOLOGY AND ARTIFICIAL
14 INTELLIGENCE, PERPETRATORS CAN GENERATE DEPICTIONS OF CHILDREN
15 VIA COMPUTER PROGRAMMING THAT ARE INDISTINGUISHABLE FROM
16 DEPICTIONS OF REAL CHILDREN; USE PARTIAL IMAGES OF REAL CHILDREN
17 TO CREATE A COMPOSITE IMAGE THAT IS UNIDENTIFIABLE AS A
18 PARTICULAR CHILD AND THAT PREVENTS EVEN EXPERTS FROM
19 CONCLUDING THAT PARTIAL IMAGES OF REAL CHILDREN WERE USED; AND
20 DISGUISE PICTURES OF REAL CHILDREN BEING ABUSED BY MAKING THE
21 IMAGES APPEAR COMPUTER-GENERATED, THEREBY AVOIDING DETECTION
22 AND PROSECUTION UNDER PREVIOUS STATUTES; AND

23 (b) SEXUALLY EXPLOITATIVE MATERIAL RESULTS FROM THE ABUSE
24 OF REAL CHILDREN, WHETHER OR NOT THE ARTIFICIAL GENERATION OR
25 MODIFICATION INVOLVES AN IDENTIFIABLE CHILD. ARTIFICIALLY
26 GENERATED CHILD SEXUAL ABUSE MATERIAL RE-VICTIMIZES ACTUAL
27 CHILD VICTIMS, AS THEIR IMAGES ARE COLLECTED FROM TECHNOLOGICAL
28 SOURCES, INCLUDING THE INTERNET, AND STUDIED BY ARTIFICIAL
29 INTELLIGENCE. THE DANGER FACING COLORADO'S CHILDREN WHO ARE
30 ABUSED WITH THE AID OF SEXUALLY EXPLOITATIVE MATERIAL IS JUST AS
31 GREAT WHEN THE ABUSER USES MATERIAL PRODUCED IN WHOLE OR IN
32 PART BY COMPUTER PROGRAMMING OR ARTIFICIAL INTELLIGENCE AS WHEN
33 THE MATERIAL CONSISTS OF IMAGES OF REAL CHILDREN.

34 (c) WITHOUT LEGISLATIVE ACTION, THE DIFFICULTIES THAT
35 MEMBERS OF LAW ENFORCEMENT WHO SPECIALIZE IN INVESTIGATING
36 INTERNET CRIMES AGAINST CHILDREN FACE WILL CONTINUE TO INTENSIFY
37 AND THREATEN TO RENDER UNENFORCEABLE OUR LAWS THAT PROTECT
38 REAL CHILDREN. IT IS CONTRARY TO THE VALUES OF THE PEOPLE OF
39 COLORADO TO TOLERATE THE POSSESSION, CREATION, OR DISSEMINATION
40 OF SEXUALLY ABUSIVE CONTENT CONTAINING IMAGES THAT ARE

- 1 VIRTUALLY INDISTINGUISHABLE FROM THOSE OF REAL CHILDREN.
- 2 (2) As used in this section, unless the context otherwise requires:".

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