

A09180 • New York

Enacts the "New York AI Child Safety Act" relating to the unlawful promotion or possession of a sexual performance of a child created by digitization; defines terms; increases penalties from a class D or E felony to a class C felony.

Introduced

Risk: High

Comprehensive

Last Action (May 14, 2024): held for consideration in codes

Summary

The New York AI Child Safety Act criminalizes the promotion or possession of digitally created sexual performances of minors and increases penalties.

Business Impact

If you create or distribute digital content, you must ensure it does not include altered images of minors or face class C felony charges.

Key Provisions

- Defines 'digitization' as altering images realistically using other images or computer-generated images.
- Increases penalties for promoting obscene sexual performances from class D/E felonies to class C felonies.
- Increases penalties for possessing obscene sexual performances from class E felonies to class C felonies.
- Establishes that sexual conduct includes any performance involving a child under eighteen.
- Applies to both produced and digitally altered images of minors.
- Targets both promotion and possession of such content.

Compliance Checklist

- Ensure no digital content includes altered images of minors. | Who: Content creators and distributors. | Penalty: Class C felony charges.
- Review existing digital content for compliance with new definitions. | Who: Digital media companies. | Penalty: Class C felony charges.

Industries Affected

Digital Media

Entertainment

Content Creation

General

Bill Sponsors

Name	Party	Role
CLARK		Primary
ZEBROWSKI		Cosponsor
MCMAHON		Cosponsor
KELLES		Cosponsor
SEAWRIGHT		Cosponsor
CRUZ		Cosponsor
DESTEFANO		Cosponsor
GALLAHAN		Cosponsor
GALLAGHER		Cosponsor
ASHBY		Cosponsor
BARNWELL		Cosponsor
GRIFFIN		Cosponsor

Roll Call Votes

Date	Description	Yea	Nay	Result
2024-05-14	Assembly Codes Committee: Held for Consideration	14	7	Passed

Official Source

<https://www.nysenate.gov/legislation/bills/2023/A9180>

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