January 3, 2024

<u>**Testimony on 2023 Senate Bill 316**</u>

Relating to: possession *of child pornography and providing a penalty.*

Thank you Chairman Wanggaard and other committee members for allowing me to provide testimony today. We know that artificial intelligence (AI) is a popular growing technology. Unfortunately, this tool is being weaponized by those who want to profit off of child sexual exploitation.

The creation of child pornography can be done in seconds using AI technology, depicting realistic images of children in the nude, performing sexual acts, being raped, or anything else someone would want to imagine. AI models learn from *real* pictures of *actual* children in order to create computer-generated images. This technology is getting more sophisticated, more accurate, and easier to access. Currently, investigators are able to tell what is real and what is fake when looking into these cases. Someday, this line will be more blurred, and it will be harder, even impossible, to tell what is real.

AI child porn not only opens the door to child exploitation and sexual addiction, it can be used for other dark purposes. Last June, Fox news shared that one 15-year-old boy shared a shirtless image of himself in a fitness and gym forum. That photo was taken, edited into a nude picture, and used to blackmail him. Recently, 30 teen girls from a New Jersey high school had "deepfake" nude images made of them. You can see how this technology opens the door to "sextortion" and cyber-bullying, with little accountability for those creating these images.

The creation and possession of AI generated child-sex images is not currently a crime in our state. We have no accountability for those who engage in pedophilic desires and fantasies with computer-generated content. SB316 aims to change this.

Our bill includes a substitute amendment that we worked hard with our AI Taskforce members and Department of Justice on. This revised language makes possessing virtual images that *may or may not* depict an actual child a crime. "May or may not" covers the uncertainty that may come from hyper-realistic or deepfake images, when it is hard to tell what is a real child. The penalties in SB316 match those of other child porn, including a mandatory minimum in sentencing.

Studies have shown that accessing child porn, or child sexual abuse materials (CSAM) does not prevent hands-on sex offenses. Those who are viewing computer generated images have likely already developed a preference for child sexual materials elsewhere. We believe that making AI and computer-generated child porn illegal is the next step in protecting our children.

I have included a fact sheet with some frequently asked questions on this topic with my testimony today. One note: our substitute amendment has one small amendment that fixes an error in the wording, simply changing an "or" to an "and". I appreciate your time, and I will take any questions you may have.

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Testimony in Support of Senate Bill 314
Senate Committee on Judiciary and Public Safety
January 3, 2024

Chairman Wanggaard and members of the committee, thank you for holding a public hearing on Senate Bill (SB) 314.

Back in 2019, Wisconsin Act 16 closed a loophole by including "child erotica" as prohibited material under Wis. Stat. §948.12 (possession of child pornography). However, under current state law, artificially created images intending to depict children in explicit sexual scenarios are not considered child pornography. Because of this, any person in possession of such images cannot be charged with a crime.

This session, I had the unique pleasure of serving on the Speaker's Task Force on Artificial Intelligence (AI). Sen. James and I have also worked closely with the Wisconsin Department of Justice (DOJ). From these partnerships, we have crafted the substitute amendment that will allow for smooth prosecutions of those harming our children. You could be saying to yourself, "Well, if it's artificial, then where is the harm in the person using that? There isn't a victim, is there?" The truth of the matter is that the data used to create these fake images have to come from somewhere, those being the real victims.

Not only that, but AI can be used to exploit real children. For example, I have been told about a high school student who uses AI to create nude photos of his classmates. He uses the AI software to add underage classmates' faces to nude bodies. This is the creation of child pornography, and is sadly legal today in Wisconsin.

With the advancements and widespread use of AI, something needs to be done. Our proposal, goes a step further than Act 16, by closing this additional loophole in state law. Doing so will end confusion for our law enforcement who currently experience delays in casework by having to decipher whether an image contains an actual child or not. More importantly, it will help to protect our children by ensuring those who commit these disgusting acts end up behind bars.

Thank you again for this opportunity to testify in support of SB 314. Act 16 passed the legislature with bipartisan support, and I look forward to seeing the same level of support for SB 314.

Artificial Intelligence Child Sexual Abuse Materials (AI CSAM) are lifelike images and/or videos of children being sexually abused or exploited that are user created with an advanced computer program. AI CSAM programs must be trained on data related to the desired output, that data is likely to include **images of actual children or child victims**. The Internet Watch Foundation has identified hundreds of images and videos of AI CSAM and the most convincing images are virtually indistinguishable from CSAM of actual children.

MYTH: Artificially generated CSAM is new.

FACT: Research from as early as 1995 indicates that pedophiles were splicing magazine clippings to manufacture images of children that were sexually arousing to them (Howitt, 1995).

MYTH: Accessing child sexual abuse materials prevents hands-on sex offenses.

FACT: 98% of offenders convicted of CSAM related crimes have a known history of sexual abuse of minors or confessed during treatment (Bourke, 2015). According to the Suojellan Lapsia ReDirection Project, 44% of survey respondents said that viewing CSAM made them think about seeking contact with a child and 37% confirmed that they did seek out direct contact with a child after viewing CSAM.

MYTH: AI CSAM is a safe outlet for pedophiles.

FACTS: "CSAM possession may be a stronger indicator of pedophilia than a history of hands-on sexual offenses." (Seto, et al., 2006).

AI CSAM may slow the responses for law enforcement agencies to investigate CSAM depicting actual children.

AI CSAM creates another route for perpetrators to profit off sexual abuse.

"It is reasonable to assume that interaction with child sex dolls could increase the likelihood of child sexual abuse by desensitizing the user to the physical, emotional, and psychological harm cause by child sexual abuse and normalizing the behavior in the mind of the abuser" (Brown, et al., 2019).

There is NO EVIDENCE that pedophiles will use child sex dolls instead of children to carry out deviant sexual interests and fantasies. There is also NO EVIDENCE that a lack of an outlet to control urges causes men to perpetrate child sexual abuse.

MYTH: AI CSAM does not harm actual children and has no real victims.

FACTS: According to a recent report from the Internet Watch Foundation (IWF), AI CSAM is being used to revictimize children whose sexual abuse was previously filmed or photographed by using the original images to create hundreds of "new" sexual abuse images of those children. Current practices involve feeding AI Models existing images of child sexual abuse or the faces of **actual children** and allowing AI to create new sexual abuse imagery of known children.

References

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ReDirection | Protect Children (suojellaanlapsia.fi)

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