House Judiciary Committee
Testimony In Support of House Bill #1351
1-20-24

Chairman Klemin and Members of the House Judiciary Committee,

My name is Greg Kasowski, Director of the Children's Advocacy Centers of North Dakota. I am here in support of House Bill 1351.

Our Children's Advocacy Centers work daily with children who have experienced child sexual abuse and other forms of child maltreatment. We see firsthand the devastating impact of these crimes. The emergence of AI-generated child sexually abusive materials (CSAM) represents a terrifying new frontier in child maltreatment.

Traditional CSAM involves the actual abuse of a child. AI-generated CSAM, while not involving a real-time physical act of abuse, is no less harmful. It creates hyper-realistic depictions of children engaged in sexual activity, which perpetuates the sexualization and exploitation of minors.

The Threat of AI-Generated CSAM:

- **Proliferation and Accessibility:** AI technology makes it easier and faster than ever before to create and disseminate this horrific material. Although some of the more popular generative AI platforms have set technological guardrails, the proverbial "cat is still out of the bag." Perpetrators with minimal technical skill have been able to generate countless images and videos of child sexual abuse already.

- **Normalization and Desensitization:** The widespread availability of AI-generated CSAM risks normalizing the sexualization of children. It also desensitizes our society to the harm of child sexual abuse, which can have devastating consequences. Condoning its presence is frightening.

- **May Lead to Hands-On Child Sexual Abuse:** Although no studies exist as to whether AI-generated CSAM consumption leads to hands-on child sexual abuse, studies have shown that a majority of perpetrators of *traditional* CSAM also conducted hands-on child sexual abuse.[1]

- **Difficulty in Detection:** AI-generated CSAM can be incredibly realistic, making it difficult for even trained professionals to distinguish it from traditional CSAM. This poses significant challenges for law enforcement in identifying and prosecuting offenders.

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[1] https://www.tandfonline.com/doi/abs/10.1080/13552600.2014.886729

Why Criminalization is Necessary:

- **Deterrence:** Criminalizing the creation, possession, and distribution of AI-generated CSAM sends a clear message that this type of content will not be tolerated in our society. It serves as a deterrent to potential offenders and reinforces the importance of protecting children in North Dakota.

- **Reduction in Vicarious Trauma:** Decreasing the proliferation of AI-generated CSAM would reduce the amount of secondary traumatic stress on the individuals working on the front lines, such as the Internet Crimes Against Children Taskforce (ICAC), prosecutors, and defense attorneys.

- **Protection of Children:** This legislation is essential for protecting children from the severe harm caused by the acceptance of this material. It recognizes that even without a physical act of abuse, the creation and dissemination of AI-generated CSAM constitutes a form of exploitation.

- **Holding Offenders Accountable:** Criminalizing this conduct provides law enforcement and prosecutors with the tools they need to investigate and prosecute those who create and distribute this harmful material.

In conclusion, by criminalizing AI-generated CSAM, we will send a clear message that we will not tolerate the normalization of child sexual abuse in any form in North Dakota.

Mr. Chairmen and members of the committee, I appreciate your time and consideration of this bill and will try to answer any questions.

Sincerely,

Greg Kasowski
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