

119TH CONGRESS
2^D SESSION

S. _____

To amend title 18, United States Code, to prohibit the provision of minor-simulating chatbots that engage in sexually explicit conduct or sexually explicit conversation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CASSIDY (for himself, Mr. COONS, Mr. MURPHY, and Mr. HUSTED) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 18, United States Code, to prohibit the provision of minor-simulating chatbots that engage in sexually explicit conduct or sexually explicit conversation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stopping Illegal Minor
5 Simulations Act” or the “SIMS Act”.

1 **SEC. 2. PROHIBITION ON MINOR-SIMULATING CHATBOTS**
2 **THAT ENGAGE IN SEXUALLY EXPLICIT CON-**
3 **DUCT OR SEXUALLY EXPLICIT CONVERSA-**
4 **TION.**

5 (a) IN GENERAL.—Chapter 110 of title 18, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 2260B. Prohibition on minor-simulating chatbots**
9 **that engage in sexually explicit conduct**
10 **or sexually explicit conversation**

11 “(a) DEFINITIONS.—In this section:

12 “(1) CHATBOT.—The term ‘chatbot’ means any
13 interactive computer service (as defined in section
14 230 of the Communications Act of 1934 (47 U.S.C.
15 230)) or software application that—

16 “(A) is designed to simulate interactive
17 conversation with human users, especially over
18 the internet, that mimics human-like commu-
19 nication characteristics, including emotions and
20 intentions;

21 “(B) produces new expressive content or
22 responses not fully predetermined by the devel-
23 oper or operator of the service or application;
24 and

1 “(C) accepts open-ended natural-language
2 or multimodal user input and produces adaptive
3 or context-responsive output.

4 “(2) COVERED ENTITY.—The term ‘covered en-
5 tity’ means any person that owns or operates a
6 chatbot made available to individuals in the United
7 States.

8 “(3) MINOR.—The term ‘minor’ means an indi-
9 vidual who has not attained 18 years of age.

10 “(4) SEXUALLY EXPLICIT CONDUCT.—The term
11 ‘sexually explicit conduct’ has the meaning given the
12 term in section 2256.

13 “(5) SEXUALLY EXPLICIT CONVERSATION.—
14 The term ‘sexually explicit conversation’ means any
15 interactive verbal or visual communication, in
16 speech, image, or text, that simulates sexually ex-
17 plicit conduct.

18 “(b) OFFENSE.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 it shall be unlawful for a covered entity to make
21 available to human users a chatbot that is designed
22 to simulate (through text, audio, visual, or other
23 means) a minor engaged in interactive sexually ex-
24 plicit conduct or an interactive sexually explicit con-

1 versation with a human user, when such conduct or
2 conversation—

3 “(A) is obscene; and

4 “(B) constitutes conduct that would violate
5 any criminal law applicable in the relevant ju-
6 risdiction.

7 “(2) EXEMPTION.—The Attorney General may,
8 upon request, provide an exemption from the prohi-
9 bition under paragraph (1) for the limited purpose
10 of law enforcement investigation activities to the fol-
11 lowing entities:

12 “(A) A Federal law enforcement agency
13 that is involved in the investigation of child sex-
14 ual exploitation.

15 “(B) A State or local law enforcement
16 agency that is involved in the investigation of
17 child sexual exploitation.

18 “(C) A foreign law enforcement agency
19 that—

20 “(i)(I) is designated by the Attorney
21 General or a foreign law enforcement agen-
22 cy; or

23 “(II) has an established relationship
24 with the Federal Bureau of Investigation
25 or INTERPOL; and

1 “(ii) is involved in the investigation of
2 child sexual exploitation.

3 “(3) RULE OF CONSTRUCTION.—Nothing in
4 paragraph (1) shall be construed to—

5 “(A) prohibit internal or external research,
6 red-teaming, or other evaluation, or publication
7 of the results thereof, designed to assess wheth-
8 er a chatbot violates the prohibition under that
9 paragraph;

10 “(B) create liability for a user of a chatbot
11 described in that paragraph who is not a cov-
12 ered entity; or

13 “(C) depart from the standard under the
14 Constitution of the United States applied in de-
15 termining the meaning of the term ‘obscene’.

16 “(4) NONREQUIRED ELEMENT OF OFFENSE.—
17 It is not a required element of the offense under
18 paragraph (1) that the minor simulated actually
19 exist.

20 “(c) CRIMINAL PENALTY.—Any person who willfully
21 violates subsection (b) shall be fined not more than
22 \$100,000.

23 “(d) CIVIL ENFORCEMENT.—

24 “(1) IN GENERAL.—In the case of a violation of
25 subsection (b) or a regulation promulgated there-

1 under, the Attorney General may bring a civil action
2 in an appropriate district court of the United States
3 to—

4 “(A) enjoin the violation;

5 “(B) enforce compliance with subsection
6 (b) or the regulation promulgated thereunder;
7 or

8 “(C) obtain civil penalties under paragraph
9 (3) of this subsection, restitution, and other ap-
10 propriate relief.

11 “(2) ATTORNEY GENERAL POWERS.—

12 “(A) INVESTIGATORY POWERS.—For the
13 purpose of conducting investigations or bringing
14 enforcement actions under this subsection, the
15 Attorney General may issue subpoenas, admin-
16 ister oaths, and compel the production of docu-
17 ments or testimony.

18 “(B) RULEMAKING.—The Attorney Gen-
19 eral may promulgate any regulations necessary
20 to carry out this section.

21 “(3) CIVIL PENALTIES.—Any person who vio-
22 lates subsection (b) or a regulation promulgated
23 thereunder shall be subject to a civil penalty not to
24 exceed \$100,000 for each violation.

1 “(e) ANNUAL REPORT.—The Attorney General shall
2 submit an annual report to the Committee on the Judici-
3 ary of the Senate and the Committee on the Judiciary of
4 the House of Representatives that details, for the period
5 covered by the report—

6 “(1) the number of persons convicted under this
7 section, disaggregated by individuals and corpora-
8 tions;

9 “(2) the number of criminal penalties or civil
10 penalties imposed under this section;

11 “(3) the number of criminal or civil proceedings
12 initiated for a violation of this section;

13 “(4) the number of law enforcement investiga-
14 tions into potential violations of this section that
15 were conducted using chatbots described in sub-
16 section (b)(1); and

17 “(5) any other information the Attorney Gen-
18 eral considers relevant to include.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—

20 The table of sections for chapter 110 of title 18, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

“2260B. Prohibition on minor-simulating chatbots that engage in sexually ex-
plicit conduct or sexually explicit conversation.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect 180 days after the date of
3 enactment of this Act.