

Oregon House passes bill to criminalize sharing AI-generated fake nude photos

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As artificial intelligence continues to evolve and make it easier to create realistic fake photos and video, Oregon lawmakers voted unanimously on Tuesday to add digitally created or altered images and recordings to the state's "revenge porn" law.

The House's 56-0 vote means Oregon is a step closer to becoming the 32nd state to ban the use of AI or other digital manipulation to create and spread nude or sexually explicit photos without consent. House Bill 2299 now heads to the state Senate.

"We're talking about images that pretend to be a realistic image of a human being," said Rep. Kevin Mannix, R-Salem and one of the bill's authors. "These are not cartoons. These are not other fake images. They pretend to show a human being, a real human being in a completely false situation."

Rep. Annessa Hartman, D-Gladstone and another of the bill's authors, described a hypothetical scenario of a high school senior's innocent yearbook photo being copied and fed through a free program that within

seconds could produce a nude image that looks just like her.

“It spreads through group chats, text messages, anonymous threads and even the black market, and by the time she finds out it is everywhere,” Hartman said. “Her friends have seen it, her future university or her future employer has seen it, and maybe even her parents and family. She tries to tell them that it’s fake, but the damage is already done.”

Hartman’s scenario might have been hypothetical, but something similar has already happened to young people in Oregon. In written testimony provided to the House Judiciary Committee, Crook County District Attorney Kari Hathorn said she recently received a report of an adult man in his 40s creating and distributing a fake nude photo of the 15-year-old daughter of a former girlfriend.

The man took a fully clothed photo of the girl from social media, used AI to make it look like she was naked and shared the resulting image with other adult men and boys who attended the girl’s school, Hathorn wrote.

“Unfortunately, because the image was AI generated, neither law enforcement, nor the prosecutor’s office was able to take action,” Hathorn wrote. “Technology continues to advance at a faster pace than the law.”

If approved by the Senate and signed by Gov. Tina Kotek, the bill would make it a crime to disseminate a digitally created or altered image with the intent to harass, humiliate or injure the person depicted. A first offense would be a Class A misdemeanor, with a possible penalty of up to 364 days in county jail and a fine up to \$6,250. Subsequent offenses would be a Class C felony, with a maximum potential prison sentence of 5 years and maximum fine of \$125,000.

Rep. Kim Wallan, R-Medford, said lawmakers wanted to ensure perpetrators didn’t get a free pass while not immediately jumping to felony charges.

“The people who tend to do this are young men who are frustrated with a situation, and we do not want to turn them into felons immediately their first time out,” Wallan said. “So this bill allows for a misdemeanor the first time, but then if you do it again, it’s going to be a felony.”

Rep. Cyrus Javadi, R-Tillamook, said he voted for the bill because of his nine kids. His older kids have already had a more challenging time navigating high school than Javadi did in the 1990s because of the internet and cellphones.

“For my kids and for yours, I want a future where their identities can’t be hijacked or weaponized by someone with a grudge and a copy of Photoshop,” Javadi said. “Whether they want to run for office one day, become a teacher or just live a quiet life in a small town, they should not have to explain to the internet or future employer that that image isn’t really them.”

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State law already prohibits maliciously sharing naked or sexually explicit photos of people, but prosecutors said their hands were tied by deepfakes.