



National Association of Christian Lawmakers
NACL Model 2024-1 Generated Obscene Child Sexual Abuse Material

**Passed by the NALC-National Legislative Council Executive Committee by unanimous
vote June 8, 2024**

Generated Child Sexual Abuse Material
Possession of Child Sexual Abuse Material

(a) A person commits the crime of possession of child sexual abuse material if the person knowingly possesses or knowingly accesses on a computer with intent to view any material that depicts conduct described in _____ *[sexual conduct/pornography]* knowing that the

(1) production of the material involved the use of a child under 18 years of age who engaged in the conduct; or

(2) material depicts a part of an actual child under 18 years of age, or is a representation that is indistinguishable from an identifiable child under 18 years of age, who, by manipulation, creation, or modification, appears to be engaged in the conduct.

(b) This section does not apply to an employee or contractor of an interactive computer service, Internet service provider, cloud service provider, or telecommunications network who, while acting in the scope of the employment or contract, possesses or accesses the material described in (a) of this section solely to prevent, detect, report, or otherwise respond to the production, generation, manipulation, or modification of the material; in this paragraph, “interactive computer service” means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and those systems operated or services offered by libraries or educational institutions.

(c) In this section,

(1) “computer” means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic, optical, or magnetic impulses, and includes all input, output, processing, storage, computer software, and communication facilities that are connected or related to a computer;

(2) “identifiable child” means an individual who is recognizable as an actual child by the child's face, likeness, or other distinguishing characteristics, regardless of

whether the individual depicted is no longer under 18 years of age.

Distribution of Generated Obscene Child Sexual Abuse

(a) A person commits the crime of distribution of generated obscene child sexual abuse material if the person distributes in this state or advertises, promotes, solicits, or offers to distribute in this state any material that is proscribed under _____ [*Possession of Generated Obscene Child Sexual Abuse*].

(b) The possession of 100 or more films, audio, video, electronic, or electromagnetic recordings, photographs, negatives, slides, books, newspapers, magazines, or other materials, including a combination of these items totaling 100 or more, is prima facie evidence of distribution and intent to distribute under (a) of this section.

(c) In this section, “distribution” includes the following, whether or not for monetary or other consideration: delivering, selling, renting, leasing, lending, giving, circulating, exhibiting, presenting, providing, exchanging, placing on a computer network or computer system, and providing billing collection, or other ancillary services for or otherwise supporting these activities.

(d) Distribution of generated obscene child sexual abuse material is a

(1) class B felony; or

(2) class A felony if the person has been previously convicted of distribution of generated obscene child sexual abuse material in this jurisdiction or a similar crime in this or another jurisdiction.

Possession of generated obscene child sexual abuse

(a) A person commits the crime of possession of generated obscene child sexual abuse material if the person knowingly possesses or knowingly accesses on a computer with intent to view any material that

(1) the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest;

(2) depicts, in a patently offensive way, a child who appears to be under 18 years of age who, by manipulation, creation, or modification, appears to be engaged in conduct described in _____ [*sexual conduct/pornography*]; and

(3) when considered as a whole, lacks serious literary, artistic, political, or scientific value.

(b) This section does not apply to an employee or contractor of an interactive computer service, Internet service provider, cloud service provider, or telecommunications network who, while acting in the scope of the employment or contract, possesses or accesses the material described in (a) of this section solely to prevent, detect, report, or otherwise respond to the production, generation, manipulation, or modification of the material; in this

paragraph, “interactive computer service” means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and those systems operated or services offered by libraries or educational institutions.

(c) In this section,

(1) “computer” means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic, optical, or magnetic impulses, and includes all input, output, processing, storage, computer software, and communication facilities that are connected or related to a computer;

(2) “interactive computer service” has the meaning given in _____.

(d) Possession of generated obscene child sexual abuse material is a class C felony.