

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB24-011 be amended as follows:

1 Amend printed bill, page 6, after line 27, insert:

2 "SECTION 2. In Colorado Revised Statutes, add 6-1-735 as
3 follows:

4 **6-1-735. Social media companies - unfair trade practice -**
5 **complying with company policies regarding computer generated**
6 **sexual images - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (a) "COMPUTER GENERATED OR DIGITALLY ALTERED SEXUAL
9 IMAGE" MEANS A PHOTOGRAPH, FILM, VIDEOTAPE, RECORDING, DIGITAL
10 FILE, OR OTHER REPRODUCTION THAT:

11 (I) DEPICTS AN ACTUAL PERSON WHO APPEARS TO BE ENGAGING IN
12 SPEECH OR CONDUCT IN WHICH THE PERSON DID NOT ENGAGE AND IS SO
13 REALISTIC THAT A REASONABLE PERSON WOULD BELIEVE IT DEPICTS THE
14 ACTUAL SPEECH OR CONDUCT OF THE DEPICTED PERSON;

15 (II) WAS SUBSTANTIALLY DEPENDENT UPON PRODUCTION BY
16 TECHNICAL MEANS, RATHER THAN THE ABILITY OF ANOTHER PERSON TO
17 PHYSICALLY OR VERBALLY IMPERSONATE THE DEPICTED PERSON; AND

18 (III) REALISTICALLY DEPICTS THE PRIVATE INTIMATE PARTS OR
19 SEXUAL ACTS OF ANOTHER PERSON AS THE PRIVATE INTIMATE PARTS OR
20 SEXUAL ACTS OF THE DEPICTED PERSON OR ARTIFICIALLY GENERATED
21 PRIVATE INTIMATE PARTS OR SEXUAL ACTS AS THE PRIVATE INTIMATE
22 PARTS OR SEXUAL ACTS OF THE DEPICTED PERSON.

23 (b) "REMEDIAL ACTION" MEANS SUSPENDING A USER'S ACCOUNT
24 FROM A SOCIAL MEDIA PLATFORM OR BARRING A USER FROM A PLATFORM.

25 (c) "SOCIAL MEDIA COMPANY" OR "COMPANY" MEANS A PERSON
26 THAT OWNS OR OPERATES ONE OR MORE SOCIAL MEDIA PLATFORMS.

27 (d) "SOCIAL MEDIA PLATFORM" MEANS AN INTERNET-BASED
28 SERVICE OR APPLICATION THAT HAS USERS IN COLORADO AND MEETS
29 BOTH OF THE FOLLOWING CRITERIA:

30 (I) A SUBSTANTIAL FUNCTION OF THE SERVICE OR APPLICATION IS
31 TO ALLOW USERS TO INTERACT SOCIALLY WITH EACH OTHER WITHIN THE
32 SERVICE OR APPLICATION; AND

33 (II) THE SERVICE OR APPLICATION ALLOWS A USER TO:

34 (A) BECOME A REGISTERED USER, ESTABLISH AN ACCOUNT, OR
35 CONSTRUCT A PUBLIC OR SEMI-PUBLIC PROFILE FOR PURPOSES OF SIGNING
36 INTO AND USING THE SERVICE OR APPLICATION; AND

37 (B) CREATE OR POST CONTENT THAT IS VIEWABLE BY OTHER
38 USERS.

39 (e) "User" MEANS ANY PERSON WHO CAN VIEW CONTENT ON A
40 SOCIAL MEDIA PLATFORM, REGARDLESS OF WHETHER THE PLATFORM
41 CHARGES A FEE TO VIEW CONTENT OR PARTICIPATE ON THE PLATFORM AND

1 REGARDSLESS OF WHETHER THE PERSON HAS AN ACCOUNT OR OTHERWISE
2 REGISTERS WITH THE PLATFORM.

3 (2) (a) A SOCIAL MEDIA COMPANY SHALL PROHIBIT POSTING A
4 COMPUTER GENERATED OR DIGITALLY ALTERED SEXUAL IMAGE ON ITS
5 SOCIAL MEDIA PLATFORM WITHOUT THE CONSENT OF THE PERSON
6 DEPICTED IN THE IMAGE.

7 (b) A SOCIAL MEDIA COMPANY SHALL HAVE A POLICY THAT
8 INCLUDES A PROCESS FOR A USER TO FLAG CONTENT OR OTHER USERS
9 THAT THE USER BELIEVES VIOLATE THE PROHIBITION ON POSTING A
10 COMPUTER GENERATED OR DIGITALLY ALTERED SEXUAL IMAGE AND
11 STANDARDS FOR TAKING REMEDIAL ACTION AGAINST A USER WHO POSTS
12 A COMPUTER GENERATED OR DIGITALLY ALTERED SEXUAL IMAGE ON THE
13 COMPANY'S SOCIAL MEDIA PLATFORM.

14 (3) FOR THE PURPOSES OF SECTION 6-1-113 (1)(a), IF A SOCIAL
15 MEDIA COMPANY RECEIVED A REPORT THAT A USER POSTED A COMPUTER
16 GENERATED OR DIGITALLY ALTERED SEXUAL IMAGE ON ITS SOCIAL MEDIA
17 PLATFORM AND THE SOCIAL MEDIA COMPANY FAILED TO REMOVE THE
18 IMAGE FROM ITS SOCIAL MEDIA PLATFORM AND TAKE REMEDIAL ACTION
19 AGAINST THE USER IN ACCORDANCE WITH THE COMPANY'S POLICY, THE
20 FAILURE TO REMOVE THE IMAGE AND TAKE REMEDIAL ACTION IS PRIMA
21 FACIE EVIDENCE THAT ANY OTHER USER WHO VIEWED THE IMAGE AFTER
22 THE IMAGE WAS FLAGGED WAS INJURED AS A RESULT OF AN UNFAIR TRADE
23 PRACTICE BY THE SOCIAL MEDIA COMPANY."

24 Renumber succeeding sections accordingly.

25 Page 7, strike line 2 and substitute:

26 "(1)(cccc); and **add** (1)(eeee) and (1)(ffff) as follows:".

27 Page 7, strike lines 8 and 9.

28 Page 7, line 10, strike "6-1-731.5." and substitute "6-1-731.5; OR

29 (ffff) VIOLATES SECTION 6-1-735."

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