
STUDY COMMITTEE: ARTIFICIAL INTELLIGENCE AND REGULATION OF INTERNET ACCESS BY MINORS

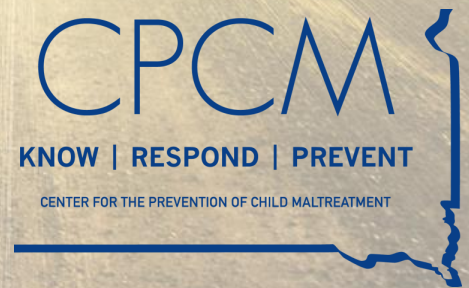
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AGENDA

- **CPCM**
- **Terminology**
- **Statistics**
- **Public Health Priority**
- **AI & Social Media**
- **What can we do?**
- **What's effective?**
- **Q&A**



KNOW

Evidence Based
Best Practices

RESPOND

Early
Intervention
Healing

PREVENT

Create Trauma
Informed
Communities

CPCM MISSION

CPCM is committed to ending child maltreatment in South Dakota by empowering professionals, communities, and the public to know about, respond to, and prevent child abuse and neglect in South Dakota.

CPCM

KNOW | RESPOND | PREVENT

CENTER FOR THE PREVENTION OF CHILD MALTREATMENT

TERMINOLOGY

- Child Sex Abuse Material (CSAM)
 - Images, videos, live-streaming
- Sextortion
- AI-Generated
- Computer-Generated
- Self-Generated

THE COST OF CHILD SEXUAL ABUSE

- \$9.3B Estimated economic burden of child sexual abuse, including costs associated with health care, productivity losses, child welfare, violence and crime, special education, etc.
- \$5.4B Estimated annual cost to incarcerate US adults convicted of sex crimes against children.
- \$2M U.S. government funding allocated for child sexual abuse prevention research in 2022.

A GROWING PROBLEM

- Online Predation: Researchers have observed a **threefold increase in self-generated imagery depicting 7–10-year-olds**, as they were increasingly targeted and groomed by internet predators on an industrial scale.
- Children are being targeted and exploited at increasingly younger ages.
 - According to the Canadian Centre for Child Protection, a staggering **78% of the CSAM images and videos assessed were under age 12 and 63% were under age 8.**

A GROWING PROBLEM

- CSAM: In 2022, The National Center for Missing & Exploited Children (NCMEC) received more than 31.9 million reports of suspected child sexual abuse materials, representing over **88.3 million images, videos, and other files**. In 2023, there were over **100 million** such files.
- Online Abuse: There has been a **600% increase** globally in the number of human trafficking cases that were perpetrated using the internet from 2007 to 2018

US STUDY BY COMMON SENSE MEDIA

- 12 years old is the average age of pornography exposure online
- 15% reported seeing pornography at an age younger than 10
- 58% of youth reported they accessed pornography online by accident (algorithms, suggested content online)
- >50% said they have viewed violent porn

PUBLIC HEALTH PRIORITY

- Exposure to CSAM at an early age can be defined as an Adverse Childhood Experience (ACE), with far-reaching negative and harmful impact on well-being and development.
- When children begin viewing even legal, adult pornography at a young age, they begin to consume more extreme material over time as they become desensitized.
- The brain is not fully developed until around the age of 25; more easily impacted/affected by traumatic images.
- Victims of CSAM may experience ongoing trauma because the recordings of their abuse have the potential to be endlessly viewed and shared by those with a sexual interest in children.

ARTIFICIAL INTELLIGENCE'S IMPACT

- Impedes victim identification
- Creates new ways to victimize and re-victimize children
- Who is the victim?
- Enables information sharing for abuse proliferation

SOCIAL MEDIA'S IMPACT

- CSAM & other exploitative activities have increased dramatically due in part to the rise of social media and the lack of privacy protections online
- **Allowing perpetrators and abusers to reach children through apps, websites, and video gaming platforms more easily**

SOCIAL MEDIA'S IMPACT

- Data Privacy
- Amplification of content recommended by algorithms
- Sexual exploitation
- Compulsive usage and addiction

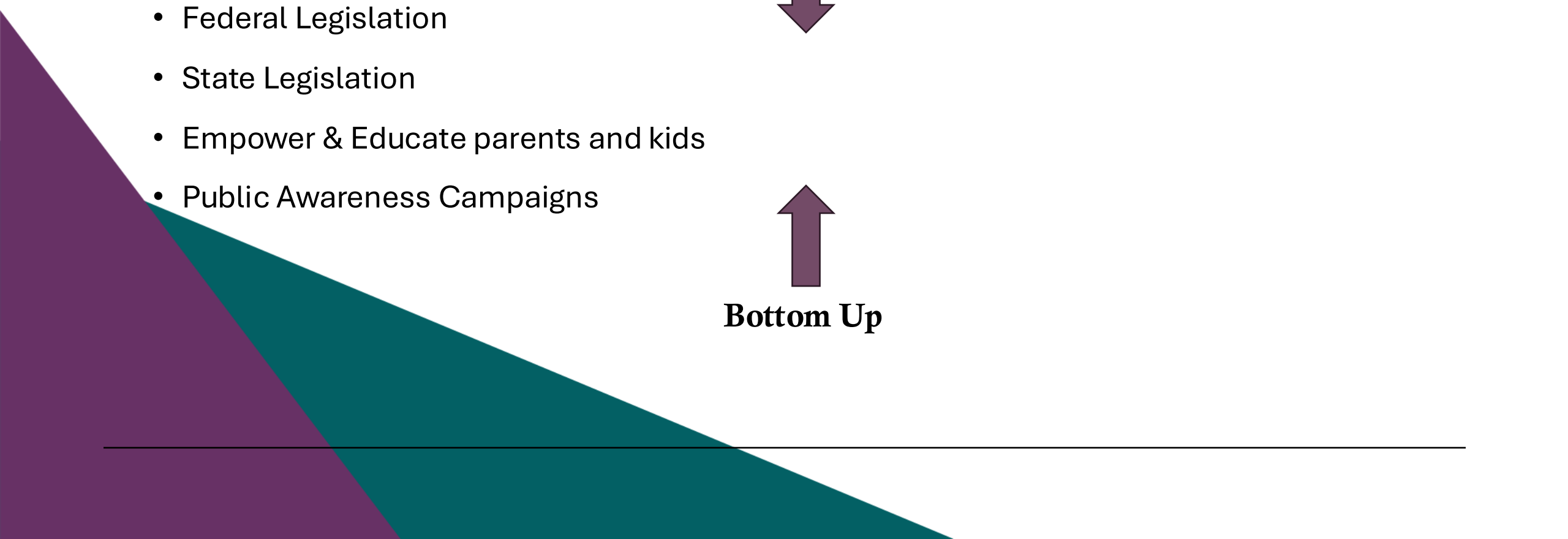
WHAT CAN WE DO?

- Federal Legislation
- State Legislation
- Empower & Educate parents and kids
- Public Awareness Campaigns

Top Down



Bottom Up



BILLS PROPOSED TO THE 118TH CONGRESS

- **Children and Teen's Online Privacy Protection Act (COPPA 2.0) - Passed the Senate**
 - **Kids Online Safety Act (KOSA) - Passed the Senate**
 - Eliminating Abusive And Rampant Neglect Of Interactive Technologies (EARN IT) Act
 - END Child Exploitation Act
 - Project Safe Childhood (PSC) Act
 - Revising Existing Procedures On Reporting Via Technology (REPORT) Act
 - Stopping Harmful Image Exploitation And Limiting Distribution (SHIELD) Act
 - Strengthening Transparency And Obligations To Protect children Suffering From Abuse And Maltreatment (STOP CSAM) Act
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WHAT ARE OTHER STATES DOING?

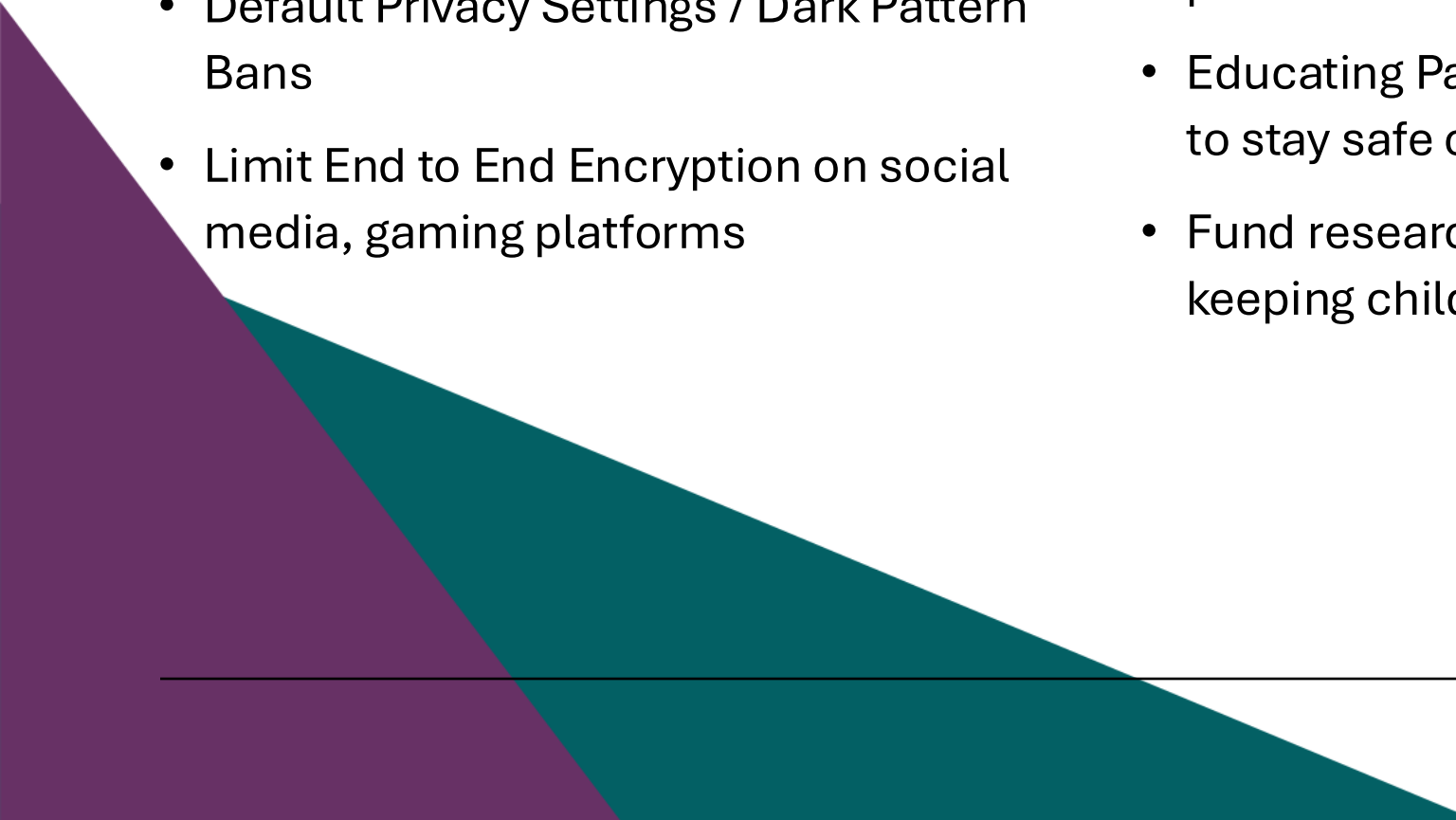
- Arkansas [S 66](#) – To create the protection of minors from distribution of harmful material act; to establish liability for the publication or distribution of material harmful to minors on the internet; and to require reasonable age verification. Passed 4/11/2023
 - Arkansas [S 396](#) - To create the Social Media Safety Act; to require age verification for use of social media; and to clarify liability for failure to perform age verification and obtain parental consent for use of social media and illegal retention of data. Passed 4/11/23
 - Louisiana [S 162](#) - To create the Secure Online Child Interaction and Age Limitation Act. Effective 7/1/24
 - Mississippi [S 2346](#) - Material harmful to minors; provide for liability for any entity that distributes on the internet without age verification. Effective 7/1/23
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WHAT ARE OTHER STATES DOING?

- Montana [S 544](#) - Revise internet laws related to material harmful to minors; providing for liability for the publishing or distributing of material harmful to minors on the internet; providing for reasonable age verification; providing for individual rights of action; attorney fees; court costs; and punitive damages; providing for exceptions.... Effective 1/1/24
- Texas [HB 1181](#) - Restricting access to sexual material harmful to minors on an internet website. Effective 9/1/23
- Utah [SB 152](#) - Provisions related to the regulation of social media companies and social media platforms. Effective 12/31/23
- Utah [SB 287](#) - To create obligations and liabilities for a commercial entity that provides pornography or other materials harmful to minors. Effective 5/23/23

WHAT'S EFFECTIVE?

LAWS ARE RELATIVELY NEW IN MOST STATES

- Age Restriction has pros and cons
 - Default Privacy Settings / Dark Pattern Bans
 - Limit End to End Encryption on social media, gaming platforms
 - Improve parental control options on platforms
 - Educating Parents and Children on how to stay safe online
 - Fund research on best practices for keeping children safe online
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AGE ASSURANCE/RESTRICTION PROS & CONS

Pros:

- Layer of protection against harmful content
- Deters predators and reduces exposure of minors to online predators
- Encourages more parental involvement

Cons:

- Privacy Concerns – Requires collection of personal information
- Effectiveness – Kids can be determined and find ways to bypass verification measures
- Barriers to Access – Unintentionally restricting access to valuable, age-appropriate content
- Potential Exclusion – not everyone has access to documents needed to verify age

DEFAULT PRIVACY & USER SETTINGS

Ban “Dark Patterns” Within Platform Design

- Ban Design Features (e.g. optimizing for time spent, infinite scroll, auto-play, aggressive notifications) That Encourage Greater Usage for Children.
- Mandate Aggressive Privacy Defaults to Limit the Unwanted Sharing of Data and Images, Especially for Sexual Content
- Limit the Ability for Small Groups of Users to Manipulate Others

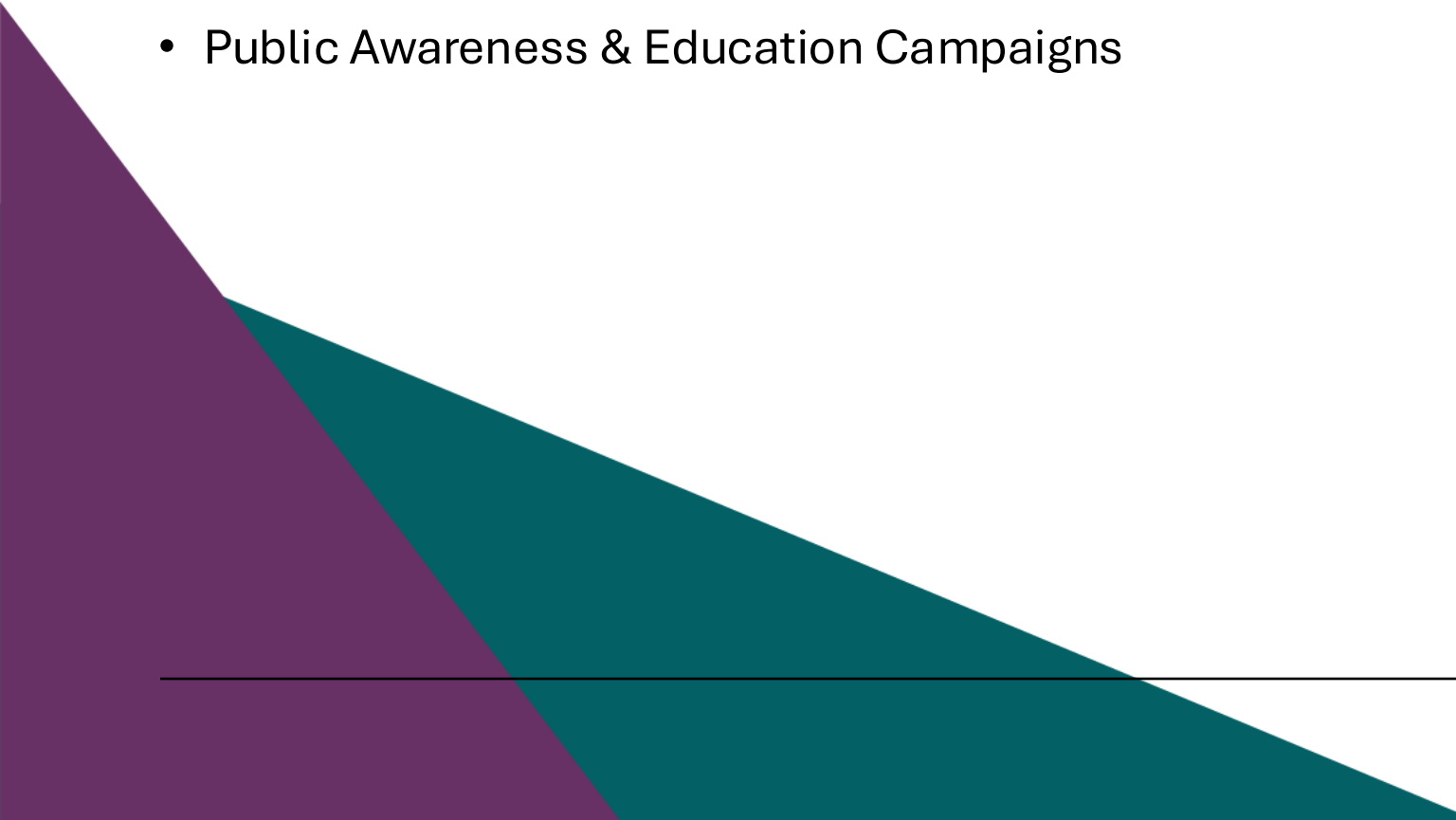
DEFAULT PRIVACY & USER SETTINGS

- Mandate Transparency of Product Experimentation That Can Illuminate New Harmful Dark Patterns
- Mandate User and Parent Empowerment via Consumer-Friendly Device-Based Defaults
- Track Technology Platform Specific Impact on User Experience

END TO END ENCRYPTION

- Creates a "safe haven" for predators and abusers
- Limited ability to monitor content
- Challenges for automated detection tools
- Obstruction of law enforcement

PARENTAL CONTROLS & EDUCATION

- Vigilant Parent Training Program – South Dakota ICAC
 - Require social media platforms to implement 'user-friendly' parental control features
 - Public Awareness & Education Campaigns
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CONCLUSION

Several potential opportunities but requires a layered approach.

- **Age restrictions**
- **Default privacy settings / dark pattern bans**
- **Limit End to End Encryption**
- **Improve parental control options**
- **Funding to educate parents and children**
- **Funding research on best practices for keeping children safe online**



QUESTION & ANSWER

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