



March 27, 2026

Connecticut General Assembly
300 Capitol Ave
Hartford, Ct 06106

Re: HB 5312 – “An Act Establishing a Civil Action for the Office of the Attorney General and a Private Right of Action for Victims of Unlawful Dissemination of a Synthetically Created Intimate Image.” (Oppose)

Dear Members of the Connecticut General Assembly:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HB 5312. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the intrastate provision of digital services, therefore, can have a significant, nationwide impact on CCIA members.

HB 5312 aims to address a real and urgent problem: the use of technology to enable non-consensual intimate imagery (NCII) through deepfakes. In particular, the bill’s requirement that covered services remove alleged violative content within 48 hours of notice creates significant operational, legal, and constitutional concerns, as detailed below:

Leading digital services remove illegal and dangerous content like NCII.

Consumer-facing digital services have built considerable consensus around mitigating content- and conduct-related risks to users and other parties. Most of the leading firms in industry have committed to best practice standards for online safety which are embedded in a recently published 2025 international standard, ISO/IEC 25389.² Leading digital services invest heavily in combating illegal and dangerous content that violates their terms of service, including NCII.³ Many use image and video hash matching technology in collaboration with the National Center for Missing & Exploited Children (NCMEC)’s Take It Down service and [StopNCII.org](https://stopncii.org).⁴

¹ For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

² ISO/IEC 25389:2025, *Information technology – The safe framework* (Edition 1, June 2025), <https://www.iso.org/standard/90106.html>.

³ See, e.g., Meta Safety Center, *Combating sextortion and intimate image abuse*, <https://www.meta.com/safety/topics/bullying-harassment/ncii/> (last accessed Mar. 3, 2026); Meta Help Center, *Report Non-Consensual Intimate Images (NCII) on Meta Platforms*, <https://www.meta.com/help/policies/1437976901029950/> (last accessed Mar. 3, 2026); Microsoft, Digital Safety Content Report, *Non-consensual intimate imagery*, https://www.microsoft.com/en-us/corporate-responsibility/digital-safety-content-report?activetab=pivot_1:primary3&culture=en-sg&country=sg#tab-ncii-requests (last accessed Mar. 3, 2026).

⁴ See, e.g., Take It Down, *Participating Online Platforms*, National Center for Missing & Exploited Children, <https://takeitdown.ncmec.org/participants/> (last accessed Mar. 3, 2026); StopNCII.org, *Industry Partners*, <https://stopncii.org/partners/industry-partners/> (last accessed Mar. 3, 2026).

The bill's 48-hour takedown requirement is operationally unrealistic and risks over-removal of lawful content.

HB 5312 requires entities to remove allegedly violative content within 48 hours of receiving notice, creating significant challenges for digital services attempting to comply in good faith. Determining whether content constitutes a “synthetically created intimate image” often requires context-specific analysis, including assessing content and its authenticity. These determinations cannot reliably be made within an arbitrary 48-hour window.

The combination of a strict takedown deadline and significant liability exposure will incentivize over-removal of content, including lawful or constitutionally protected speech. Faced with both compressed timelines and high penalties, services are likely to remove content upon notice without sufficient review. The requirement also does not sufficiently account for the scale and abuse of notice systems. Bad actors may exploit these takedown processes by submitting fraudulent claims, forcing digital services to remove legitimate content to avoid liability. For these reasons, rigid takedown mandates are less effective than approaches that allow for reasonable, good-faith moderation timelines as well as clear, workable standards.

The bill's private right of action would result in the proliferation of frivolous lawsuits and questionable claims, and exorbitant statutory damages.

Besides imposing excessive civil penalties of up to \$25,000 per day for an “individual harmed,” HB 5312 permits “any person harmed by the unlawful dissemination of a synthetically created intimate image” to bring legal action against a wide range of operators. This provision’s broad wording could encompass virtually any service operating online, including a provider of an interactive computer service,⁵ information service,⁶ or a telecommunications service.⁷ The scope of remedies is similarly broad and indefinite: extensive remedies include costs, fees, “economic and non-economic damages proximately caused,” including “emotional distress and punitive damages.”

Creating a new private right of action would open the doors of state courthouses to plaintiffs advancing costly, time-intensive claims based on subjective criteria. The vague standards noted above necessitate fact-intensive inquiries that make courts reluctant — or unable — to dismiss claims until more facts can be gathered in the discovery phase. These new dynamics would significantly affect litigants’ incentives. If defendants are routinely forced past the motion to dismiss phase and into full discovery, the cost of litigation itself becomes a coercive force, encouraging settlements unrelated to the strength of the legal claims. Moreover, these costs would be passed on to Connecticut residents, disproportionately impacting smaller businesses and startups across the state.⁸

⁵ 47 U.S.C. § 230(f)(2).

⁶ 47 U.S.C. § 153(24).

⁷ Conn. Gen. Stat. § 16-247a(b)(6) (2024).

⁸ Trevor Wagener, *State Regulation of Content Moderation Would Create Enormous Legal Costs for Platforms*, Broadband Breakfast (Mar. 23, 2021), <https://broadbandbreakfast.com/trevor-wagener-state-regulation-of-content-moderation-would-create-enormous-legal-costs-for-platforms/>.



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While we share concerns about combating NCII online, we encourage Committee members to resist advancing legislation that is not adequately tailored to this objective. We appreciate your consideration of these issues and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Respectfully submitted,

Kyle J. Sepe
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Computer & Communications Industry Association