



HOUSE BILL 805: Prevent Sexual Exploitation/Women and Minors.

2025-2026 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 7, 2025
Introduced by:	Reps. N. Jackson, Budd, Stevens, Balkcom	Prepared by:	Hannah Kendrick
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 805 would create age verification and consent requirements for individuals appearing in pornographic images, provide for the removal of those images, and create enforcement mechanisms.*

BILL ANALYSIS:

House Bill 805 would enact Article 51A of Chapter 66, to be titled "Prevent Sexual Exploitation of Women and Minors Act."

The bill would provide definitions for several terms, including "eligible person" and "online entity."

An online entity operator would be prohibited from publishing a pornographic image to the online entity unless the operator has verified that each individual in the image was not less than 18 years of age when the image was created, has provided written consent for each sexual act engaged in during the creation of the image, and has provided written consent for the distribution of the image.

Separate consent would be required for each act of sexual activity and for the distribution of the image, and the consent of one may not imply or constitute evidence of consent for the other.

An online entity operator would be required to obtain all of the following from the user or entity seeking to publish the pornographic image:

- Written consent from each individual appearing in the image, including the name, date of birth, and signature of the individual, a statement that the individual is not less than 18 years of age, a statement that the consent is for distribution of the specific image, and a statement that explains coerced consent and informs the individual of the individual's right to revoke consent at any time.
- Not less than one form of valid identification for each individual appearing in the pornographic image that is issued by a federal agency or a state, local, or foreign government, and that contains the name, date of birth, and signature of the same individual on the consent form.

An online entity would be required to do the following:

- Establish a procedure for removing a pornographic image from the online entity and designate one or more employees to be responsible for handling requests for removal.
- Display a prominently visible notice on the website that provides instructions on how a person may request removal.
- Remove within 72 hours a pornographic image that is being hosted by the online entity without the consent of an individual who appears in the image.

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578

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- If an online entity receives a request for removal from a person other than an eligible person or law enforcement officer acting pursuant to a valid court order, then not later than 72 hours after receiving the request, the operator shall review the records of the operator to determine if the image was published in accordance with the verification requirements and remove the image if not in accordance with the requirements.
- Remove the image temporarily if any question arises as to the consent of a performer.
- Remove the image within 72 hours if the performer requests removal, regardless of the age and consent of the performer.
- When an image is removed, block the pornographic image and any altered or edited version of the image from being distributed or published on the entity again.

A user of an online entity would be prohibited from distributing or publishing a pornographic image of an individual to the online entity without the consent of the individual.

Violations of Article 51A would be subject to the imposition of civil penalties, which would accrue on a per day and per image basis. The Attorney General could not impose more than \$10,000 for each day during which the image remains on the online entity. The clear proceeds of civil penalties assessed would be remitted to the Civil Penalty and Forfeiture Fund.

If an online entity operator violates these provisions, any eligible person would be permitted to bring a civil action against the operator for damages in an amount equal to the greater of (i) \$10,000 for each day during which an image remains on the online entity, calculated on a per day and per image basis, or (ii) actual damages.

The Attorney General may impose the following civil penalties on any operator:

- If the operator violates the provision requiring a prominently visible notice, in an amount of not more than \$10,000 for each day the entity remains in violation.
- If the operator does not comply with the provision governing a removal request, in an amount not more than \$5,000 for each day the entity remains in violation, beginning 24 hours after the Attorney General provides notice of the violation to the operator.

An online entity operator would not be liable for a violation of this Article if, in allowing the publishing of a pornographic image to the online entity, the operator reasonably relied on verification materials that were later found to be in violation of this Article, provided that the operator removes the pornographic image not later than 24 hours after receiving notice that the verification materials are in violation of this Article.

If an online entity operator fails to remove a pornographic image within 24 hours of receiving notice that the verification materials are in violation of this Article, damages would be calculated with respect to each day on or after the date on which that 24 hour period expires.

If an online entity operator violates this Article with respect to a pornographic image, any eligible person could bring a civil action against the online entity operator for damages in an amount equal to (i) ten thousand dollars (\$10,000) for each day during which the pornographic image remains on the online entity in violation of this Article or (ii) actual damages, whichever is greater. A prevailing eligible person shall be awarded attorneys' fees.

If a user of an online entity violates this Article with respect to a pornographic image, any eligible person could bring a civil action against the user for damages in an amount equal to (i) ten thousand dollars (\$10,000) for each day during which the pornographic image remains on the online entity in violation of

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this Article, calculated on a per day and per image basis or (ii) actual damages, whichever is greater. A prevailing eligible person shall be awarded attorneys' fees.

If any provision of this Article is held invalid or unenforceable, the invalidity or unenforceability would not affect other provisions or applications of this Article that can be given effect without the invalid or unenforceable provision or application.

EFFECTIVE DATE: This act would become effective December 1, 2025, and would apply to acts or omissions occurring before, on, or after that date; except that, prosecutions under G.S. 66-510, as enacted by this act, may be brought only for acts or omissions occurring on or after that date.