

1 State of Arkansas *As Engrossed: H3/19/25 H4/7/25*

2 95th General Assembly

# A Bill

3 Regular Session, 2025

HOUSE BILL 1529

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5 By: Representatives S. Meeks, Achor, Barnes, Barnett, Beaty Jr., Beck, Bentley, Breaux, Brooks, K.

6 Brown, M. Brown, R. Burkes, Crawford, Eaves, Eubanks, Furman, Gramlich, Hollowell, Ladyman,

7 Lundstrum, Lynch, Maddox, J. Mayberry, McAlindon, McGrew, McGruder, B. McKenzie, Milligan, J.

8 Moore, Nazarenko, Painter, Pearce, Pilkington, Richmond, Rose, Rye, M. Shepherd, Underwood, Vaught

9 By: Senator C. Penzo

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## For An Act To Be Entitled

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AN ACT CONCERNING DEEPPFAKE VISUAL MATERIAL OF A

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SEXUAL NATURE; TO CREATE THE CRIMINAL OFFENSE OF

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UNLAWFUL CREATION AND DISTRIBUTION OF DEEPPFAKE VISUAL

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MATERIAL; TO ESTABLISH A CAUSE OF ACTION FOR UNLAWFUL

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CREATION OF DEEPPFAKE VISUAL MATERIAL; AND FOR OTHER

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PURPOSES.

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## Subtitle

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TO CREATE THE CRIMINAL OFFENSE OF

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UNLAWFUL CREATION OR DISTRIBUTION OF

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DEEPPFAKE VISUAL MATERIAL; AND TO

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ESTABLISH A CAUSE OF ACTION FOR UNLAWFUL

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CREATION OF DEEPPFAKE VISUAL MATERIAL.

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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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29 SECTION 1. Arkansas Code Title 5, Chapter 14, Subchapter 1, is amended

30 to add an additional section to read as follows:

31 5-14-139. Unlawful creation or distribution of deepfake visual

32 material.

33 (a) As used in this section:

34 (1) "Deepfake visual material" means a photograph, image, video,

35 or other visual depiction that:

36 (A) Appears to an ordinary person to be an authentic



1 depiction of an identifiable person; and

2 (B) Is generated, modified, or adapted using technology to  
3 falsely depict a person's appearance, voice, or conduct; and

4 (2) "Identifiable" means recognizable as a specific person by  
5 the person's face, likeness, or other distinguishing characteristics.

6 (b) A person commits the offense of unlawful creation or distribution  
7 of deepfake visual material if he or she, without consent of the person  
8 depicted, knowingly creates or distributes deepfake visual material that  
9 depicts another identifiable person:

10 (1) In a state of nudity such that an ordinary person viewing  
11 the deepfake visual material would conclude that the depiction is of the  
12 identifiable person in a state of nudity; or

13 (2) Engaging in sexual contact, sexual intercourse, deviate  
14 sexual activity, or sexually explicit conduct such that an ordinary person  
15 viewing the deepfake visual material would conclude that the depiction is of  
16 the identifiable person engaging in sexual contact, sexual intercourse,  
17 deviate sexual activity, or sexually explicit conduct.

18 (c) Unlawful creation or distribution of deepfake visual material is:

19 (1) For a first offense, a Class A misdemeanor; and

20 (2) For a second or subsequent offense, a Class D felony.

21 (d) This section does not apply to a provider of, or affiliates of a  
22 provider of, a telecommunication service, information service, or cable  
23 service, as defined in 47 U.S.C. § 153, for content provided by another  
24 person.

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26 SECTION 2. Arkansas Code Title 16, Chapter 118, is amended to add an  
27 additional section to read as follows:

28 16-118-119. Civil action for unlawful creation of deepfake visual  
29 material.

30 (a) The Attorney General may institute a civil action on behalf of the  
31 state against a provider or developer of image generation technology that was  
32 used to create deepfake visual material in violation of § 5-14-139 if:

33 (1) The deepfake visual material that was created in violation  
34 of § 5-14-139 was generated substantially or in its entirety by a prompt-  
35 based image generation technology; and

36 (2) The provider or developer of the image generation technology

1 did not have reasonable safeguards in place to protect against the generation  
2 of deepfake visual material.

3 (b)(1) A person injured or damaged by reason of a violation of § 5-14-  
4 139 may bring a civil action against a person or entity that:

5 (A) Is the provider or developer of the image generation  
6 technology that was used to create the deepfake visual material; or

7 (B) Caused or was responsible for the creation of deepfake  
8 visual material in violation of § 5-14-139.

9 (2) The court may award actual damages, compensatory damages,  
10 punitive damages, injunctive relief, or any other appropriate relief.

11 (3) A prevailing plaintiff shall be awarded reasonable  
12 attorney's fees and costs.

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14 /s/S. Meeks

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17 **APPROVED: 4/17/25**  
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