

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H4/9/25

A Bill

HOUSE BILL 1967

5 By: Representative K. Brown
6 By: Senator C. Penzo
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE UNLAWFUL
10 DISTRIBUTION OF SEXUAL IMAGES OR RECORDINGS; AND FOR
11 OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE LAW CONCERNING THE UNLAWFUL
16 DISTRIBUTION OF SEXUAL IMAGES OR
17 RECORDINGS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-26-314 is amended to read as follows:

22 5-26-314. Unlawful distribution of ~~sexual images or recordings~~ an
23 intimate image.

24 (a) As used in this section:

25 (1) "Identifiable" means recognizable as a specific person by:

26 (A) The person's face, likeness, or other distinguishing
27 characteristic; or

28 (B) Any additional information that states the identity or
29 purported identity of the person; and

30 (2) "Intimate image" means an image, picture, or video that
31 depicts a person:

32 (A) In a state of nudity; or

33 (B) Engaging in sexual contact, sexual intercourse,
34 deviate sexual activity, or sexually explicit conduct.

35 (b) A person commits the offense of unlawful distribution of ~~sexual~~
36 images or recordings an intimate image if, being eighteen (18) years of age



1 or older, with the purpose to harass, frighten, intimidate, threaten, or
2 abuse another person, the actor distributes an image, picture, video, or
3 voice or audio recording of the other person to a third person by any means
4 if the image, picture, video, or voice or audio recording:

5 (1) ~~Is of a sexual nature or depicts the other person in a state~~
6 ~~of nudity; and~~

7 (2) ~~The other person is a family or household member of the~~
8 ~~actor or another person with whom the actor is in a current or former dating~~
9 ~~relationship~~ he or she purposely distributes an intimate image of an
10 identifiable person without the consent of the identifiable person depicted
11 in the intimate image.

12 ~~(b)(c)~~ The fact It is not a defense to prosecution under this section
13 that an intimate image, picture, video, or voice or audio recording:

14 (1) ~~was~~ Was created with the knowledge or consent of the ~~other~~
15 identifiable person depicted in the intimate image;

16 (2) Was created by the identifiable person depicted in the
17 intimate image;

18 (3) Was disclosed by the identifiable person depicted in the
19 intimate image to another person; or

20 (4) ~~or that the image, picture, video, or voice or audio~~
21 ~~recording is~~ Is the property of a person charged under this section ~~is not a~~
22 ~~defense to prosecution under this section.~~

23 ~~(e)(d)~~ Unlawful distribution of sexual images or recordings an
24 intimate image is a:

25 (1) Class C felony for a:

26 (A) Second or subsequent offense under subdivision
27 (d)(2)(A) or subdivision (d)(2)(B) of this section; or

28 (B) Third or subsequent offense under subdivision (d)(3)
29 of this section;

30 (2) Class D felony:

31 (A) If the person had a purpose to cause physical injury
32 or mental, economic, or reputational harm to the identifiable person depicted
33 in the intimate image;

34 (B) If the person received anything of value in return for
35 the commission of the offense; or

36 (C) For a second offense under subdivision (d)(3) of this

1 section; or

2 (3) Class A misdemeanor if otherwise committed.

3 ~~(d)(1)~~(e)(1) Upon the pretrial release of a person charged under this
4 section, the court shall enter an order consistent with Rules 9.3 and 9.4 of
5 the Arkansas Rules of Criminal Procedure and shall give notice to the person
6 charged under this section of the penalties contained in Rule 9.5 of the
7 Arkansas Rules of Criminal Procedure.

8 (2) An order under subdivision ~~(d)(1)~~(e)(1) of this section
9 remains in effect during the pendency of any appeal of a conviction under
10 this section.

11 (f) This section does not apply to the provider of a
12 telecommunications service or an information service, as those terms are
13 defined in 47 U.S.C. § 153, for content provided by another person.

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/s/K. Brown

APPROVED: 4/22/25