



## ARKANSAS SENTENCING COMMISSION

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### Impact Assessment for HB1518 Sponsored by Representative Meeks

**Subtitle** TO CREATE THE OFFENSE OF CREATING, DISTRIBUTING, POSSESSING, OR VIEWING ARTIFICIAL INTELLIGENCE-GENERATED MATTER DEPICTING SEXUALLY EXPLICIT CONDUCT INVOLVING A CHILD

**Impact Summary**<sup>1</sup> Cannot be determined. The proposed bill creates a new felony criminal offense for which the likely number of occurrences is unknown.

**Change from Current Law**<sup>2</sup> Amends Title 5 of Arkansas Code Annotated (A.C.A.) § 5-27-601, Definitions, by adding subdivision (16) and a definition for “indistinguishable”. Additionally, a new section is created at A.C.A. § 5-27-611, Creating, distributing, possessing, or viewing artificial intelligence-generated matter depicting sexually explicit conduct involving a child. Under the proposed bill, a violation of A.C.A. § 5-27-611 is a Class C felony for a first offense and a Class B felony for any subsequent offense and has a creation element that makes it unlawful to create artificial intelligence-generated matter depicting sexually explicit conduct involving a child that is indistinguishable from a child actually engaging in sexually explicit conduct. The criminal elements of the proposed new offense are similar to A.C.A. § 5-27-602, Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child. Under the current similar law, the unlawful conduct provisions do not include a creation component using artificial intelligence-generated matter, only distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child.

**Impact Information** The proposed bill creates a new felony offense, the likely number of occurrences of which cannot be determined. The following data is for informational purposes only.

The Administrative Office of the Courts reports that for the three (3) year period beginning January 1, 2022 and ending December 31, 2024, there were three thousand one hundred and seventy-seven felony (3,177) convictions for a violation of A.C.A. § 5-27-602, Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child. A first violation of A.C.A. § 5-27-602 is a Class C felony, and any subsequent offense is a Class B felony.

The Division of Correction (ADC) reports that there are currently two hundred and twenty-one (221) offenders serving a sentence for A.C.A. § 5-27-602, Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child, as the most serious offense.

The likely number of occurrences with the creation of the proposed new felony offense is unknown. While there

<sup>1</sup> This impact assessment was prepared 2/18/2025 4:52 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y 10-40 years or life  
Class A 6-30 years; up to \$15,000  
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000  
Class D 0-6 years; up to \$10,000  
Unclassified As specified in statute

Misdemeanors  
Class A Up to 1 year; up to \$2,500  
Class B Up to 90 days; up to \$1,000  
Class C Up to 30 days; up to \$500

is an existing similar unlawful course of conduct, the proposed bill adds an additional component to the elements of the offense. For this reason, the potential impact on correctional resources cannot be determined.