

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

As Engrossed: H3/19/25

A Bill

HOUSE BILL 1529

5 By: Representative S. Meeks
6 By: Senator C. Penzo
7

For An Act To Be Entitled

9 AN ACT CONCERNING DEEPPFAKE VISUAL MATERIAL OF A
10 SEXUAL NATURE; TO CREATE THE CRIMINAL OFFENSE OF
11 UNLAWFUL CREATION AND DISTRIBUTION OF DEEPPFAKE VISUAL
12 MATERIAL; TO ESTABLISH A CAUSE OF ACTION FOR UNLAWFUL
13 CREATION OF DEEPPFAKE VISUAL MATERIAL; AND FOR OTHER
14 PURPOSES.
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Subtitle

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18 TO CREATE THE CRIMINAL OFFENSE OF
19 UNLAWFUL CREATION OR DISTRIBUTION OF
20 DEEPPFAKE VISUAL MATERIAL; AND TO
21 ESTABLISH A CAUSE OF ACTION FOR UNLAWFUL
22 CREATION OF DEEPPFAKE VISUAL MATERIAL.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 5, Chapter 14, Subchapter 1, is amended
27 to add an additional section to read as follows:

28 5-14-139. Unlawful creation or distribution of deepfake visual
29 material.

30 (a) As used in this section:

31 (1) "Deepfake visual material" means a photograph, image, video,
32 or other visual depiction that:

33 (A) Appears to an ordinary person to be an authentic
34 depiction of an identifiable person; and

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



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

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

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

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

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

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

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

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

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

25 16-118-119. Civil action for unlawful creation of deepfake visual
26 material.

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

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

33 (2) The provider or developer of the image generation technology
34 did not have reasonable safeguards in place to protect against the generation
35 of deepfake visual material.

36 (b)(1) A person injured or damaged by reason of a violation of § 5-14-

1 139 may bring a civil action against a person or entity that:

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

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

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

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

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11 /s/S. Meeks

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