

Stricken language would be deleted from and underlined language would be added to present law.

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 DEEPPAKE 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 DEEPPAKE VISUAL

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MATERIAL; TO ESTABLISH A CAUSE OF ACTION FOR UNLAWFUL

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CREATION OF DEEPPAKE 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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DEEPPAKE VISUAL MATERIAL; AND TO

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ESTABLISH A CAUSE OF ACTION FOR UNLAWFUL

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CREATION OF DEEPPAKE VISUAL MATERIAL.

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

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

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to add an additional section to read as follows:

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

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material.

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(a) As used in this section:

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

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or other visual depiction that:

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(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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