

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

A Bill

HOUSE BILL 1823

5 By: Representative Duffield
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7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE DISRUPT EXPLICIT FORGED
10 IMAGES AND NONCONSENSUAL EDITS ACT OF 2025; TO
11 CLARIFY THE RIGHTS FOR AN INDIVIDUAL AFFECTED BY
12 NONCONSENSUAL ACTIVITIES INVOLVING INTIMATE DIGITAL
13 FORGERIES; AND FOR OTHER PURPOSES.
14

Subtitle

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17 TO ESTABLISH THE DISRUPT EXPLICIT FORGED
18 IMAGES AND NONCONSENSUAL EDITS ACT OF
19 2025; AND TO CLARIFY THE RIGHTS FOR AN
20 INDIVIDUAL AFFECTED BY NONCONSENSUAL
21 ACTIVITIES INVOLVING INTIMATE DIGITAL
22 FORGERIES.
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 4, is amended to add an additional
27 chapter to read as follows:
28

CHAPTER 120

29
30 DISRUPT EXPLICIT FORGED IMAGES AND NONCONSENSUAL EDITS ACT OF 2025
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32 4-120-101. Title.

33 This chapter shall be known and may be cited as the "Disrupt Explicit
34 Forged Images and Nonconsensual Edits Act of 2025".
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36 4-120-102. Definitions.



1 As used in this chapter:

2 (1) "Commercial pornographic content" means any material that is
 3 subject to the record keeping requirements under 18 U.S.C. § 2257, as it
 4 existed on January 1, 2025;

5 (2) "Consent" means an affirmative, conscious, competent, and
 6 voluntary authorization made by an individual free from force, fraud,
 7 misrepresentation, or coercion;

8 (3) "Digital forgery" means an intimate visual depiction of an
 9 identifiable individual created through the use of software, machine
 10 learning, artificial intelligence, or any other computer-generated or
 11 technological means, including without limitation by adapting, modifying,
 12 manipulating, or altering an authentic visual depiction, to appear to a
 13 reasonable person to be indistinguishable from an authentic visual depiction
 14 of the individual, regardless of whether the visual depiction indicates,
 15 through a label or some other form of information published with the visual
 16 depiction, that the visual depiction is not authentic;

17 (4) "Disclose" means to transfer, publish, distribute, or make
 18 accessible;

19 (5) "Identifiable individual" means an individual whose body
 20 appears in whole or in part in an intimate visual depiction and who is
 21 identifiable by virtue of the person's face, likeness, or other
 22 distinguishing characteristic, such as a unique birthmark or other
 23 recognizable feature, or from information displayed in connection with the
 24 intimate visual depiction;

25 (6) "Intimate visual depiction" means a visual depiction, as
 26 that term is defined in 18 U.S.C. § 2256(5), as it existed on January 1,
 27 2025, that:

28 (A) Depicts:

29 (i) The uncovered genitals, pubic area, anus, or
 30 postpubescent female nipple of an identifiable individual;

31 (ii) The display or transfer of bodily sexual
 32 fluids:

33 (a) On to any part of the body of an
 34 identifiable individual; or

35 (b) From the body of an identifiable
 36 individual; or

1 (iii) An identifiable individual engaging in
2 sexually explicit conduct; and

3 (B) Includes any intimate visual depictions described
4 under subdivision (6)(A) of this section produced while the identifiable
5 individual was in a public place only if the individual did not:

6 (i) Voluntarily display the content depicted; or
7 (ii) Consent to the sexually explicit conduct
8 depicted; and

9 (7) "Sexually explicit conduct" means the same as defined in
10 subparagraphs (A) and (B) of 18 U.S.C. § 2256(2), as it existed on January 1,
11 2025.

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13 4-120-103. Right of action – Rights on behalf of certain individuals.

14 (a) Except as provided in § 4-120-106, an identifiable individual:

15 (1) Whose intimate visual depiction is disclosed, in such a way
16 to affect interstate or foreign commerce or using any means or facility of
17 interstate or foreign commerce, without the consent of the identifiable
18 individual, where the disclosure was made by a person who knowingly or
19 recklessly disregards that the identifiable individual has not consented to
20 the disclosure, may bring a civil action against that person in an
21 appropriate district court of the State of Arkansas for relief under § 4-120-
22 105;

23 (2) Who is the subject of a digital forgery may bring a civil
24 action in an appropriate district court of the State of Arkansas for relief
25 under § 4-120-105 against any person that knowingly produced or possessed the
26 digital forgery with intent to disclose it, or knowingly disclosed or
27 solicited the digital forgery, if the:

28 (A) Identifiable individual did not consent to the
29 production, disclosure, solicitation, or possession;

30 (B) Person knowingly or recklessly disregarded that the
31 identifiable individual did not consent to the production, disclosure,
32 solicitation, or possession; and

33 (C) Production, disclosure, solicitation, or possession
34 affects interstate or foreign commerce or uses any means or facility of
35 interstate or foreign commerce; and

36 (3) Who is the subject of a digital forgery may bring a civil

1 action in an appropriate district court of the State of Arkansas for relief
2 under § 4-120-105 against any person that knowingly produced the digital
3 forgery if the:

4 (A) Identifiable individual did not consent to the
5 production;

6 (B) Person knowingly or recklessly disregarded that the
7 identifiable individual did not consent to the production; and

8 (C) Production affects interstate or foreign commerce or
9 uses any means or facility of interstate or foreign commerce.

10 (b)(1) If an identifiable individual is under eighteen (18) years of
11 age, incompetent, incapacitated, or deceased, then the legal guardian of the
12 identifiable individual or representative of the identifiable individual's
13 estate, another family member, or any other person appointed by the court as
14 a suitable representative may assume the identifiable individual's rights
15 under this chapter.

16 (2) The defendant shall not be named as the representative or
17 guardian under subdivision (b)(1) of this section.

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19 4-120-104. Consent.

20 For purposes of a civil action under § 4-120-103(a), the fact that the
21 identifiable individual:

22 (1) Consented to the creation of the intimate visual depiction
23 or digital forgery shall not establish that the person consented to its
24 disclosure, solicitation, or possession; and

25 (2) Disclosed the intimate visual depiction or digital forgery
26 to someone else shall not establish that the person consented to the further
27 disclosure, solicitation, or possession of the intimate visual depiction or
28 digital forgery by the person alleged to have violated § 4-120-103.

29
30 4-120-105. Relief – Preservation of privacy.

31 (a) In a civil action filed under this chapter:

32 (1) An identifiable individual may recover:

33 (A) The actual damages sustained by the defendant or
34 liquidated damages in the amount of one hundred fifty thousand dollars
35 (\$150,000); and

36 (B) The cost of the action, including reasonable

1 attorney's fees and other litigation costs reasonably incurred; and

2 (2) The court may, in addition to any other relief available at
 3 law, order equitable relief, including without limitation a temporary
 4 restraining order, a preliminary injunction, or a permanent injunction
 5 ordering the defendant, including third parties, to cease displaying or
 6 disclosing of the intimate visual depiction or digital forgery of the
 7 identifiable individual or plaintiff.

8 (b) In a civil action filed under this chapter, the court may issue an
 9 order to protect the privacy of a plaintiff, including without limitation by:

10 (1) Permitting the plaintiff to use a pseudonym;

11 (2) Requiring the parties to redact the personal identifying
 12 information of the plaintiff from any public filing or to file the documents
 13 under seal; and

14 (3) Issuing a protective order for purposes of discovery, which
 15 may include an order indicating that any intimate visual depiction or digital
 16 forgery shall remain in the care, custody, and control of the court.

17
 18 4-120-106. Exceptions.

19 An identifiable individual may not bring an action for relief under
 20 this chapter relating to:

21 (1) An intimate visual depiction or digital forgery that is
 22 commercial pornographic content, unless that content was produced by force,
 23 fraud, misrepresentation, or coercion of the identifiable individual;

24 (2) A disclosure made in good faith:

25 (A) To a law enforcement officer or agency;

26 (B) As part of a legal proceeding;

27 (C) As part of medical education, diagnosis, or treatment;

28 or

29 (D) In the reporting or investigation of:

30 (i) Unlawful content; or

31 (ii) Unsolicited or unwelcome conduct;

32 (3) A matter of public concern or public interest; or

33 (4) A disclosure reasonably intended to assist the identifiable
 34 individual.

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 36 4-120-107. Statute of limitations.

1 Any action commenced under this chapter shall be barred unless the
2 complaint is filed not later than ten (10) years from the later of:

3 (1) The date on which the identifiable individual reasonably
4 discovers the violation that forms the basis for the claim; or

5 (2) The date on which the identifiable individual reaches
6 eighteen (18) years of age.

7
8 4-120-108. Duplicative recovery barred.

9 Relief shall not be ordered under § 4-120-105 against a person who is
10 subject to a judgment under 18 U.S.C. § 2255, as it existed on January 1,
11 2025, for the same conduct involving the same identifiable individual and the
12 same intimate visual depiction or digital forgery.

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