

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

# A Bill

HOUSE BILL 1967

5 By: Representative K. Brown  
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## 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.  
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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 or digitally forged intimate image.

24 (a) As used in this section:

25 (1) "Digitally forged intimate image" means an intimate image of  
26 a person that:

27 (A) Is generated or substantially modified using a  
28 computer, software, or any other computer-generated means to falsely depict  
29 the person's appearance or conduct; and

30 (B) Is such that an ordinary person viewing the intimate  
31 image would conclude that the intimate image is an authentic depiction of the  
32 person, without regard to an indication included with the intimate image that  
33 the intimate image is not authentic.

34 (2) "Identifiable" means recognizable as a specific person by:

35 (A) The person's face, likeness, or other distinguishing  
36 characteristic; or



1                    (B) Additional information included that states the  
 2 identity or purported identity of a person; and

3                    (3) "Intimate image" means any image, picture, or video that  
 4 depicts a person:

5                    (A) In a state of nudity; or

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

8                    (b) A person commits the offense of unlawful distribution of ~~sexual~~  
 9 ~~images or recordings~~ an intimate image or digitally forged intimate image if,  
 10 being eighteen (18) years of age or older, ~~with the purpose to harass,~~  
 11 ~~frighten, intimidate, threaten, or abuse another person, the actor~~  
 12 ~~distributes an image, picture, video, or voice or audio recording of the~~  
 13 ~~other person to a third person by any means if the image, picture, video, or~~  
 14 ~~voice or audio recording:~~

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

17                    (2) ~~The other person is a family or household member of the~~  
 18 ~~actor or another person with whom the actor is in a current or former dating~~  
 19 ~~relationship~~ he or she purposely distributes an intimate image or digitally  
 20 forged intimate image of an identifiable person without the consent of the  
 21 person depicted in the intimate image or digitally forged intimate image.

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

25                    (1) ~~was~~ Was created with the knowledge or consent of the ~~other~~  
 26 person depicted in the intimate image or digitally forged intimate image;

27                    (2) Was created by the person depicted in the intimate image or  
 28 digitally forged intimate image;

29                    (3) Was disclosed by the person depicted in the intimate image  
 30 or digitally forged intimate image to another person; or

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

34                    (e)(d) Unlawful distribution of ~~sexual images or recordings~~ an  
 35 intimate image or a digitally forged intimate image is a:

36                    (1) Class C felony for a second or subsequent offense under

1 subdivision (d)(2) of this section;

2 (2) Class D felony:

3 (A) If the person had a purpose to cause physical injury  
 4 or mental, economic, or reputational harm to the person depicted in the  
 5 intimate image or digitally forged intimate image;

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

8 (C) For a second or subsequent offense under subdivision  
 9 (d)(3) of this section; or

10 (3) Class A misdemeanor if otherwise committed.

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

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

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