

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 328

By: Senator Irvin
By: Representative Dalby

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING COMPUTER CRIMES
AGAINST MINORS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING COMPUTER
CRIMES AGAINST MINORS.

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

SECTION 1. Arkansas Code § 5-27-601(1), concerning the definition of "child" as it applies to computer crimes against minors, is amended to read as follows:

(1) "Child" means any person under ~~seventeen (17)~~ eighteen (18) years of age;

SECTION 2. Arkansas Code § 5-27-602(c), concerning an affirmative defense to prosecution for distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child, is amended to read as follows:

(c) It is an affirmative defense to a prosecution under this section that the defendant in good faith reasonably believed that the person depicted in the matter was ~~seventeen (17)~~ eighteen (18) years of age or older.

SECTION 3. Arkansas Code § 5-27-607 is amended to read as follows:
5-27-607. Determination of age of person.

(a) For purposes of this subchapter, the state must prove beyond a reasonable doubt that a person who is depicted as or presents the appearance



of being under ~~seventeen (17)~~ eighteen (18) years of age in any photograph, film, videotape, computer program or file, video game, or any other reproduction or reconstruction picture or image is under ~~seventeen (17)~~ eighteen (18) years of age.

(b) If it becomes necessary for a purpose of this subchapter to determine whether a person depicted engaging in sexually explicit conduct was under ~~seventeen (17)~~ eighteen (18) years of age, the ~~court or jury~~ trier of fact ~~may~~ shall make this determination by any of the following methods:

- (1) Personal inspection of the person;
- (2) Inspection of the photograph, film, videotape, computer program or file, video game, or any other reproduction or reconstruction picture or image that depicts the person engaging in the sexually explicit conduct;
- (3) ~~Expert medical testimony~~ Testimony based on the appearance of the person engaged in the sexually explicit conduct; or
- (4) Any other method authorized by law.

APPROVED: 3/20/25