

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H4/9/25

A Bill

HOUSE BILL 1967

By: Representative K. Brown

By: Senator C. Penzo

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE UNLAWFUL
DISTRIBUTION OF SEXUAL IMAGES OR RECORDINGS; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE UNLAWFUL
DISTRIBUTION OF SEXUAL IMAGES OR
RECORDINGS.

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

SECTION 1. Arkansas Code § 5-26-314 is amended to read as follows:

5-26-314. Unlawful distribution of ~~sexual images or recordings~~ an intimate image.

(a) As used in this section:

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

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

(B) Any additional information that states the identity or purported identity of the person; and

(2) "Intimate image" means an image, picture, or video that depicts a person:

(A) In a state of nudity; or

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

(b) A person commits the offense of unlawful distribution of ~~sexual images or recordings~~ an intimate image if, being eighteen (18) years of age



~~or older, with the purpose to harass, frighten, intimidate, threaten, or abuse another person, the actor distributes an image, picture, video, or voice or audio recording of the other person to a third person by any means if the image, picture, video, or voice or audio recording:~~

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

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

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

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

~~(2) Was created by the identifiable person depicted in the intimate image;~~

~~(3) Was disclosed by the identifiable person depicted in the intimate image to another person; or~~

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

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

~~(1) Class C felony for a:~~

~~(A) Second or subsequent offense under subdivision (d)(2)(A) or subdivision (d)(2)(B) of this section; or~~

~~(B) Third or subsequent offense under subdivision (d)(3) of this section;~~

~~(2) Class D felony:~~

~~(A) If the person had a purpose to cause physical injury or mental, economic, or reputational harm to the identifiable person depicted in the intimate image;~~

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

~~(C) For a second offense under subdivision (d)(3) of this~~

section; or

(3) Class A misdemeanor if otherwise committed.

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

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

(f) This section does not apply to the provider of a telecommunications service or an information service, as those terms are defined in 47 U.S.C. § 153, for content provided by another person.

/s/K. Brown

APPROVED: 4/22/25