

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

State of Arkansas
95th General Assembly
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As Engrossed: H3/19/25 H4/7/25

A Bill

HOUSE BILL 1529

By: Representatives S. Meeks, Achor, Barnes, Barnett, Beaty Jr., Beck, Bentley, Breaux, Brooks, K. Brown, M. Brown, R. Burkes, Crawford, Eaves, Eubanks, Furman, Gramlich, Hollowell, Ladyman, Lundstrum, Lynch, Maddox, J. Mayberry, McAlindon, McGrew, McGruder, B. McKenzie, Milligan, J. Moore, Nazarenko, Painter, Pearce, Pilkington, Richmond, Rose, Rye, M. Shepherd, Underwood, Vaught
By: Senator C. Penzo

For An Act To Be Entitled

AN ACT CONCERNING DEEPPFAKE VISUAL MATERIAL OF A SEXUAL NATURE; TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL CREATION AND DISTRIBUTION OF DEEPPFAKE VISUAL MATERIAL; TO ESTABLISH A CAUSE OF ACTION FOR UNLAWFUL CREATION OF DEEPPFAKE VISUAL MATERIAL; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL CREATION OR DISTRIBUTION OF DEEPPFAKE VISUAL MATERIAL; AND TO ESTABLISH A CAUSE OF ACTION FOR UNLAWFUL CREATION OF DEEPPFAKE VISUAL MATERIAL.

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

SECTION 1. Arkansas Code Title 5, Chapter 14, Subchapter 1, is amended to add an additional section to read as follows:

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

(a) As used in this section:

(1) "Deepfake visual material" means a photograph, image, video, or other visual depiction that:

(A) Appears to an ordinary person to be an authentic



depiction of an identifiable person; and

(B) Is generated, modified, or adapted using technology to falsely depict a person's appearance, voice, or conduct; and

(2) "Identifiable" means recognizable as a specific person by the person's face, likeness, or other distinguishing characteristics.

(b) A person commits the offense of unlawful creation or distribution of deepfake visual material if he or she, without consent of the person depicted, knowingly creates or distributes deepfake visual material that depicts another identifiable person:

(1) In a state of nudity such that an ordinary person viewing the deepfake visual material would conclude that the depiction is of the identifiable person in a state of nudity; or

(2) Engaging in sexual contact, sexual intercourse, deviate sexual activity, or sexually explicit conduct such that an ordinary person viewing the deepfake visual material would conclude that the depiction is of the identifiable person engaging in sexual contact, sexual intercourse, deviate sexual activity, or sexually explicit conduct.

(c) Unlawful creation or distribution of deepfake visual material is:

(1) For a first offense, a Class A misdemeanor; and

(2) For a second or subsequent offense, a Class D felony.

(d) This section does not apply to a provider of, or affiliates of a provider of, a telecommunication service, information service, or cable service, as defined in 47 U.S.C. § 153, for content provided by another person.

SECTION 2. Arkansas Code Title 16, Chapter 118, is amended to add an additional section to read as follows:

16-118-119. Civil action for unlawful creation of deepfake visual material.

(a) The Attorney General may institute a civil action on behalf of the state against a provider or developer of image generation technology that was used to create deepfake visual material in violation of § 5-14-139 if:

(1) The deepfake visual material that was created in violation of § 5-14-139 was generated substantially or in its entirety by a prompt-based image generation technology; and

(2) The provider or developer of the image generation technology

did not have reasonable safeguards in place to protect against the generation of deepfake visual material.

(b)(1) A person injured or damaged by reason of a violation of § 5-14-139 may bring a civil action against a person or entity that:

(A) Is the provider or developer of the image generation technology that was used to create the deepfake visual material; or

(B) Caused or was responsible for the creation of deepfake visual material in violation of § 5-14-139.

(2) The court may award actual damages, compensatory damages, punitive damages, injunctive relief, or any other appropriate relief.

(3) A prevailing plaintiff shall be awarded reasonable attorney's fees and costs.

/s/S. Meeks