

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 156

5 By: Senator Hester
6 By: Representatives House, Wright
7

For An Act To Be Entitled

10 AN ACT TO CRIMINALIZE THE DISTRIBUTION OF AN IMAGE,
11 PICTURE, OR VIDEO OF A SEXUAL NATURE TO EMBARRASS,
12 HARASS, FRIGHTEN, INTIMIDATE, THREATEN, OR ABUSE A
13 FAMILY OR HOUSEHOLD MEMBER OR A PERSON IN A CURRENT
14 OR FORMER DATING RELATIONSHIP; AND FOR OTHER
15 PURPOSES.
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Subtitle

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19 TO CRIMINALIZE THE DISTRIBUTION OF IMAGES
20 OF A SEXUAL NATURE TO EMBARRASS, HARASS,
21 FRIGHTEN, INTIMIDATE, THREATEN, OR ABUSE
22 A FAMILY OR HOUSEHOLD MEMBER OR PERSON
23 FROM A DATING RELATIONSHIP.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code Title 5, Chapter 26, Subchapter 3, is amended
29 to add the following section:

30 5-26-314. Unlawful distribution of sexual images.

31 (a) A person commits the offense of unlawful distribution of sexual
32 images if, with the purpose to embarrass, harass, frighten, intimidate,
33 threaten, or abuse another person, the actor distributes an image, picture,
34 or video of the other person to a third person by any means if the image,
35 picture, or video:

36 (1) Is of a sexual nature or depicts the other person in a state



1 of nudity; and

2 (2) The other person is a family or household member of the
3 actor or another person with whom the actor is in a current or former dating
4 relationship.

5 (b) The fact that an image, picture, or video was created with the
6 knowledge or consent of the other person or that the image, picture, or video
7 is the property of a person charged under this section is not a defense to
8 prosecution under this section.

9 (c) Unlawful distribution of sexual images is a Class A misdemeanor.

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

15 (2) A protective order under subdivision (d)(1) of this section
16 remains in effect during the pendency of any appeal of a conviction under
17 this section.

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