State of Arkansas  As Engrossed: \$2/17/15	
90th General Assembly A B111	
Regular Session, 2015 SENATE BILL 156	5
By: Senator Hester	
By: Representatives House, Wright	
For An Act To Be Entitled	
AN ACT TO CRIMINALIZE THE DISTRIBUTION OF AN IMAGE,	
PICTURE, VIDEO, OR VOICE OR AUDIO RECORDING OF A	
SEXUAL NATURE TO HARASS, FRIGHTEN, INTIMIDATE,	
THREATEN, OR ABUSE A FAMILY OR HOUSEHOLD MEMBER OR A	
AND FOR OTHER PURPOSES.	
PERSON FROM A DATING RELATIONSHIP.	
DE IM ENACHED DY MIE CENEDAL ACCEMBLY OF MIE CHAME OF ADVANCAC.	
BE II ENACIED BY THE GENERAL ASSEMBLY OF THE STATE OF ARRANSAS:	
SECTION 1 Arkansas Code & 5-26-302 is amended to read as follows:	
•	
-	
(ii) The type of the relationship; and	
(iii) The frequency of interaction between the two	
	Poth General Assembly Regular Session, 2015  SENATE BILL 150  By: Senator Hester By: Representatives House, Wright  For An Act To Be Entitled  An act to Criminalize the distribution of an image, PICTURE, VIDEO, OR VOICE OR AUDIO RECORDING OF A SEXUAL NATURE TO HARASS, FRIGHTEN, INTIMIDATE, THREATEN, OR ABUSE A FAMILY OR HOUSEHOLD MEMBER OR A PERSON IN A CURRENT OR FORMER DATING RELATIONSHIP; AND FOR OTHER PURPOSES.  Subtitle  TO CRIMINALIZE THE DISTRIBUTION OF IMAGES OR RECORDINGS OF A SEXUAL NATURE TO HARASS, FRIGHTEN, INTIMIDATE, THREATEN, OR ABUSE A FAMILY OR HOUSEHOLD MEMBER OR PERSON FROM A DATING RELATIONSHIP.  BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  SECTION 1. Arkansas Code § 5-26-302 is amended to read as follows: 5-26-302. Definitions. As used in this subchapter: (1) (A) "Dating relationship" means a romantic or intimate social relationship between two (2) individuals that is determined by examining the following factors:  (1) The length of the relationship; (11) The type of the relationship; and

01-28-2015 12:31:27 DLP027

1	(2) individuals involved in the relationship.
2	(B) "Dating relationship" does not include a casual
3	relationship or ordinary fraternization between two (2) individuals in a
4	business or social context; and
5	(2) "Family or household member" means:
6	(A) A spouse;
7	(B) A former spouse;
8	(C) A parent;
9	(D) A child, including any minor residing in the household,
10	(E)(i) Persons related by blood within the fourth degree of
11	consanguinity.
12	(ii) The degree of consanguinity is computed pursuant
13	to § 28-9-212;
14	(F) Persons who presently or in the past have resided or
15	cohabited together;
16	(G) Persons who have or have had a child in common; or
17	(H) Persons who are presently or in the past have been in a
18	dating relationship together.;
19	(3) "Harass" means an act of harassment as prohibited by § 5-71-
20	<u>208;</u>
21	(4) "Intimidate" means to force into or deter from an action by
22	inducing fear;
23	(5) "Sexual nature" means that an image, picture, video, or
24	voice or audio recording depicts actual or simulated:
25	(A) Sexual intercourse;
26	(B) Deviate sexual activity;
27	(C) Bestiality;
28	(D) Masturbation;
29	(E) Sadomasochistic abuse for the purpose of sexual
30	stimulation; or
31	(F) Lewd exhibition of the:
32	(i) Genitals or pubic area of any person; or
33	(ii) Breast of a female; and
34	(6) "State of nudity" means:
35	(A) The appearance of a human anus, human genitals, or a
36	female breast below a point immediately above the top of the areola; or

I	(B) A state of dress that fails to opaquely cover a human
2	anus, human genitals, or a female breast below a point immediately above the
3	top of the areola.
4	
5	SECTION 2. Arkansas Code Title 5, Chapter 26, Subchapter 3, is amended
6	to add an additional section to read as follows:
7	5-26-314. Unlawful distribution of sexual images or recordings.
8	(a) A person commits the offense of unlawful distribution of sexual
9	images or recordings if, being eighteen (18) years of age or older, with the
10	purpose to harass, frighten, intimidate, threaten, or abuse another person,
11	the actor distributes an image, picture, video, or voice or audio recording
12	of the other person to a third person by any means if the image, picture,
13	video, or voice or audio recording:
14	(1) Is of a sexual nature or depicts the other person in a state
15	of nudity; and
16	(2) The other person is a family or household member of the
17	actor or another person with whom the actor is in a current or former dating
18	<u>relationship.</u>
19	(b) The fact that an image, picture, video, or voice or audio
20	recording was created with the knowledge or consent of the other person or
21	that the image, picture, video, or voice or audio recording is the property
22	of a person charged under this section is not a defense to prosecution under
23	this section.
24	(c) Unlawful distribution of sexual images or recordings is a Class A
25	misdemeanor.
26	(d)(1) Upon the pretrial release of a person charged under this
27	section, the court shall enter an order consistent with Rules 9.3 and 9.4 of
28	the Arkansas Rules of Criminal Procedure and shall give notice to the person
29	charged under this section of the penalties contained in Rule 9.5 of the
30	Arkansas Rules of Criminal Procedure.
31	(2) An order under subdivision (d)(1) of this section remains in
32	effect during the pendency of any appeal of a conviction under this section.
33	
34	/s/Hester
35	
36	