

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 8

5 By: Senator T. Garner  
6 By: Representatives Pilkington, Petty  
7

## For An Act To Be Entitled

9 AN ACT TO PROHIBIT A REGISTERED SEX OFFENDER FROM  
10 RECORDING A PERSON UNDER FOURTEEN (14) YEARS OF AGE  
11 IN CERTAIN CIRCUMSTANCES; TO PROHIBIT THE UNLAWFUL  
12 USE OF A RECORDING OF A PERSON UNDER FOURTEEN (14)  
13 YEARS OF AGE ONLINE; AND FOR OTHER PURPOSES.  
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## Subtitle

16 TO PROHIBIT A REGISTERED SEX OFFENDER  
17 FROM RECORDING A PERSON UNDER FOURTEEN  
18 (14) YEARS OF AGE IN CERTAIN  
19 CIRCUMSTANCES; AND TO PROHIBIT THE  
20 UNLAWFUL USE OF A RECORDING OF A PERSON  
21 UNDER FOURTEEN (14) YEARS OF AGE ONLINE.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code Title 5, Chapter 14, Subchapter 1, is amended  
28 to add an additional section to read as follows:

29 5-14-135. Registered offender prohibited from recording a person under  
30 14 years of age – Unlawful use of recording online.

31 (a) As used in this section, "record" means to photograph, make,  
32 capture, generate, or save a print, negative, slide, motion picture, computer  
33 data file, videotape, or other mechanically, electronically, or chemically  
34 reproduced visual image or material.

35 (b) It is unlawful for a person who is required to register under the  
36 Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been

1 assessed as a Level 3 or Level 4 offender to knowingly:

2 (1) Record a person under fourteen (14) years of age after the  
3 person has previously been notified by a law enforcement officer, judge, or  
4 parole or probation officer not to record a person under fourteen (14) years  
5 of age; or

6 (2) Use or post a recording of a person under fourteen (14)  
7 years of age on an online social media platform or other internet website  
8 that allows the using or posting of a recording in any form.

9 (c) A violation of this section is a Class D felony.

10 (d) It is a defense to prosecution under this section that the person:

11 (1) Received permission from the parent or guardian of the  
12 person under fourteen (14) years of age to record the person under fourteen  
13 (14) years of age or to use or post a recording of the person under fourteen  
14 (14) years of age on an online social media platform or other internet  
15 website that allows the using or posting of a recording; or

16 (2) Is the parent or guardian of the person under fourteen (14)  
17 years of age who was recorded or whose recording was used or posted on an  
18 online social media platform or other internet website that allows the using  
19 or posting of a recording.

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