

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 328

5 By: Senator Irvin
6 By: Representative Dalby
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING COMPUTER CRIMES
10 AGAINST MINORS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND THE LAW CONCERNING COMPUTER
14 CRIMES AGAINST MINORS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-27-601(1), concerning the definition of
20 "child" as it applies to computer crimes against minors, is amended to read
21 as follows:

22 (1) "Child" means any person under ~~seventeen (17)~~ eighteen (18)
23 years of age;
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25 SECTION 2. Arkansas Code § 5-27-602(c), concerning an affirmative
26 defense to prosecution for distributing, possessing, or viewing of matter
27 depicting sexually explicit conduct involving a child, is amended to read as
28 follows:

29 (c) It is an affirmative defense to a prosecution under this section
30 that the defendant in good faith reasonably believed that the person depicted
31 in the matter was ~~seventeen (17)~~ eighteen (18) years of age or older.
32

33 SECTION 3. Arkansas Code § 5-27-607 is amended to read as follows:
34 5-27-607. Determination of age of person.

35 (a) For purposes of this subchapter, the state must prove beyond a
36 reasonable doubt that a person who is depicted as or presents the appearance



1 of being under ~~seventeen (17)~~ eighteen (18) years of age in any photograph,
2 film, videotape, computer program or file, video game, or any other
3 reproduction or reconstruction picture or image is under ~~seventeen (17)~~
4 eighteen (18) years of age.

5 (b) If it becomes necessary for a purpose of this subchapter to
6 determine whether a person depicted engaging in sexually explicit conduct was
7 under ~~seventeen (17)~~ eighteen (18) years of age, the ~~court or jury~~ trier of
8 fact may shall make this determination by any of the following methods:

9 (1) Personal inspection of the person;

10 (2) Inspection of the photograph, film, videotape, computer
11 program or file, video game, or any other reproduction or reconstruction
12 picture or image that depicts the person engaging in the sexually explicit
13 conduct;

14 (3) ~~Expert medical testimony~~ Testimony based on the appearance
15 of the person engaged in the sexually explicit conduct; or

16 (4) Any other method authorized by law.

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