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95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1877

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

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CRIMINAL OFFENSES
RELATED TO POSSESSION OF SEXUALLY EXPLICIT MATERIAL
THAT DEPICTS A CHILD; TO INCLUDE A COMPUTER GENERATED
IMAGE THAT IS INDISTINGUISHABLE FROM THE IMAGE OF A
CHILD; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING CRIMINAL OFFENSES RELATED TO
POSSESSION OF SEXUALLY EXPLICIT MATERIAL
THAT DEPICTS A CHILD; AND TO INCLUDE A
COMPUTER GENERATED IMAGE THAT IS
INDISTINGUISHABLE FROM THE IMAGE OF A
CHILD.

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

SECTION 1. Arkansas Code § 5-27-302, concerning definitions with respect to the Arkansas Protection of Children Against Exploitation Act of 1979, is amended to add additional subdivisions to read as follows:

(6) "Computer generated" means produced, adapted, or modified, in whole or in part, through the use of artificial intelligence;

(7)(A) "Indistinguishable" means a visual or print medium that is such that an ordinary person viewing the visual or print medium would conclude that the visual or print medium depicts an actual child engaged in



1 the conduct depicted.

2 (B) "Indistinguishable" does not include a visual or print
3 medium that depicts a child that is a drawing, cartoon, sculpture, or
4 painting; and

5 (8) "Adversarial testing" means red teaming or another activity
6 or exercise conducted in a controlled environment and in collaboration with
7 an artificial intelligence developer to identify a potential adverse behavior
8 or outcome of a model or system, to determine how the potential adverse
9 behavior or outcome of a model or system could occur, to stress test
10 safeguards, and to conduct other structured evaluation methods as set forth
11 by the National Institute of Standards and Technology.

12
13 SECTION 2. Arkansas Code § 5-27-304(a), concerning the offense of
14 pandering or possessing visual or print medium depicting sexually explicit
15 conduct involving a child, is amended to read as follows:

16 (a) With knowledge of the character of the visual or print medium
17 involved, no person shall do any of the following:

18 (1) Knowingly advertise for sale or distribution, sell,
19 distribute, transport, ship, exhibit, display, or receive for the purpose of
20 sale or distribution any visual or print medium depicting a child
21 participating or engaging in sexually explicit conduct or that is
22 indistinguishable from the image of a child participating or engaging in
23 sexually explicit conduct, including without limitation a visual or print
24 medium that is computer generated; or

25 (2) Knowingly solicit, receive, purchase, exchange, possess,
26 view, distribute, or control any visual or print medium depicting a child
27 participating or engaging in sexually explicit conduct or that is
28 indistinguishable from the image of a child participating or engaging in
29 sexually explicit conduct, including without limitation a visual or print
30 medium that is computer generated.

31
32 SECTION 3. Arkansas Code § 5-27-304, concerning the offense of
33 pandering or possessing visual or print medium depicting sexually explicit
34 conduct involving a child, is amended to add an additional subsection to read
35 as follows:

36 (c) This section does not apply to:

1 (1) A visual or print medium possessed, controlled, or
2 intentionally viewed as part of a law enforcement investigation; or

3 (2)(A) An interactive computer service as defined in 47 U.S.C. §
4 230 for:

5 (i) Content provided by another party; and

6 (ii) Computer generated visual or print medium
7 depicting sexually explicit conduct involving a child when the visual or
8 print medium is generated as part of adversarial testing conducted in good
9 faith to prevent, detect, or mitigate the risk of artificial intelligence
10 systems generating visual or print medium depicting sexually explicit conduct
11 involving a child.

12 (B) Subdivision (c)(2)(A) of this section does not include
13 a person who engages in adversarial testing for personal or exploitative
14 purposes or for purposes unrelated to legitimate artificial intelligence
15 safety testing.

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17 SECTION 4. Arkansas Code § 5-27-601(13) is repealed.

18 ~~(13) "Reproduction" includes, but is not limited to, a computer-~~
19 ~~generated image;~~

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21 SECTION 5. Arkansas Code § 5-27-601, concerning definitions with
22 respect to computer crimes against minors, is amended to add additional
23 subdivisions to read as follows:

24 (16) "Computer generated image" means a picture or video
25 produced, adapted, or modified, in part or in whole, through the use of
26 artificial intelligence;

27 (17)(A) "Indistinguishable" means that a depiction is such that
28 an ordinary person viewing the depiction would conclude that it is a
29 depiction of an actual child engaged in the conduct depicted.

30 (B) "Indistinguishable" does not include a depiction of a
31 child that is a drawing, cartoon sculpture, or painting; and

32 (18) "Adversarial testing" means red teaming or another activity
33 or exercise conducted in a controlled environment and in collaboration with
34 an artificial intelligence developer to identify a potential adverse behavior
35 or outcome of a model or system, to determine how the potential adverse
36 behavior or outcome of a model or system could occur, to stress test

1 safeguards, and to conduct other structured evaluation methods as set forth
2 by the National Institute of Standards and Technology.

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4 SECTION 6. Arkansas Code § 5-27-602(a), concerning the offense of
5 distributing, possessing, or viewing matter depicting sexually explicit
6 conduct involving a child, is amended to read as follows:

7 (a) A person commits distributing, possessing, or viewing of matter
8 depicting sexually explicit conduct involving a child if the person
9 knowingly:

10 (1) Receives for the purpose of selling or knowingly sells,
11 procures, manufactures, gives, provides, lends, trades, mails, delivers,
12 transfers, publishes, distributes, circulates, disseminates, presents,
13 exhibits, advertises, offers, or agrees to offer through any means, including
14 the internet, any photograph, film, videotape, computer program or file,
15 video game, computer generated image, or any other reproduction or
16 reconstruction that depicts a child or incorporates the image of a child
17 engaging in sexually explicit conduct or is indistinguishable from the image
18 of a child engaging in sexually explicit conduct, whether made or produced by
19 electronic, mechanical, or other means; or

20 (2) Possesses or views through any means, including on the
21 internet, any photograph, film, videotape, computer program or file,
22 ~~computer-generated~~ computer generated image, video game, or any other
23 reproduction that depicts a child or incorporates the image of a child
24 engaging in sexually explicit conduct or is indistinguishable from the image
25 of a child engaging in sexually explicit conduct, including those made or
26 produced by electronic, mechanical, or other means.

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28 SECTION 7. Arkansas Code § 5-27-602, concerning distributing,
29 possessing, or viewing of matter depicting sexually explicit conduct
30 involving a child, is amended to add an additional subsection to read as
31 follows:

32 (d) This section does not apply to:

33 (1) Matter depicting sexually explicit conduct involving a child
34 possessed, controlled, or intentionally viewed as part of a law enforcement
35 investigation; or

36 (2)(A) An interactive computer service as defined in 47 U.S.C. §

1 230 for:

2 (i) Content provided by another party; or

3 (ii) Computer generated matter depicting sexually
4 explicit conduct involving a child when the matter is generated as part of
5 adversarial testing conducted in good faith to prevent, detect, or mitigate
6 the risk of artificial intelligence systems generating matter depicting
7 sexually explicit conduct involving a child.

8 (B) Subdivision (d)(2)(A) of this section does not include
9 a person who engages in adversarial testing for personal or exploitative
10 purposes or for purposes unrelated to legitimate artificial intelligence
11 safety testing.

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13 SECTION 8. Arkansas Code § 5-27-603 is amended to read as follows:

14 5-27-603. ~~Possession or use of child sexual abuse material~~ Electronic
15 facilitation of child sexual abuse.

16 (a) A person commits ~~possession or use of child sexual abuse material~~
17 electronic facilitation of child sexual abuse if the person knowingly:

18 (1) Compiles, enters into, or transmits by means of computer,
19 makes, prints, publishes, or reproduces by other computerized means,
20 knowingly causes or allows to be entered into or transmitted by means of
21 computer or buys, sells, receives, exchanges, or disseminates any notice,
22 statement, or advertisement or any child's name, telephone number, place of
23 residence, physical characteristics, or other descriptive or identifying
24 information for purposes of facilitating, encouraging, offering, or
25 soliciting sexually explicit conduct of or with any child or another
26 individual believed by the person to be a child, or the visual depiction of
27 the conduct including a visual depiction that is a computer generated image
28 of sexually explicit conduct with any child or another individual believed by
29 the person to be a child or that is indistinguishable from the image of a
30 child; or

31 (2) Utilizes an online computer service, internet service, or
32 local bulletin board service to seduce, solicit, lure, or entice or attempt
33 to seduce, solicit, lure, or entice a child or another individual believed by
34 the person to be a child, to engage in sexually explicit conduct.

35 (b) ~~Possession or use of child sexual abuse material~~ Electronic
36 facilitation of child sexual abuse is a Class B felony.

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2 SECTION 9. Arkansas Code § 5-27-609(a)(2)(A), concerning the
3 definition of sexually explicit digital material with respect to the offense
4 of possession of sexually explicit digital material, is amended to read as
5 follows:

6 (2)(A) "Sexually explicit digital material" means any
7 photograph, digitized impact, or visual depiction of a minor or a computer
8 generated image that is that is indistinguishable from a depiction of a
9 minor:

10 (i) In any condition of nudity; or

11 (ii) Involved in any prohibited sexual act.

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13 /s/S. Meeks
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16 APPROVED: 4/22/25
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