

COMMITTEE ON ARTIFICIAL INTELLIGENCE & INNOVATION
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2133
(Reference to printed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 13-1425, Arizona Revised Statutes, is amended to
3 read:

4 13-1425. Unlawful disclosure of images depicting states of
5 nudity or specific sexual activities;
6 classification; definitions

7 A. It is unlawful for a person to intentionally disclose an image
8 of another person who is identifiable from the image itself or from
9 information displayed in connection with the image if all of the following
10 apply:

11 1. The person in the image is depicted in a state of nudity or is
12 engaged in specific sexual activities.

13 2. The depicted person has a reasonable expectation of privacy.
14 Evidence that a person has sent an image to another person using an
15 electronic device does not, on its own, remove the person's reasonable
16 expectation of privacy for that image. Unless the realistic pictorial
17 representation is created or modified by the depicted person, this
18 paragraph does not apply to an image that is a realistic pictorial
19 representation.

20 3. The image is disclosed with the intent to harm, harass,
21 intimidate, threaten or coerce the depicted person.

22 B. This section does not apply to any of the following:

23 1. The reporting of unlawful conduct.

24 2. Lawful and common practices of law enforcement, criminal
25 reporting, legal proceedings or medical treatment.

26 3. Images involving voluntary exposure in a public or commercial
27 setting.

1 4. An interactive computer service, as defined in 47 United States
2 Code section 230(f)(2), or an information service or cable service, as
3 defined in 47 United States Code section 153, with regard to content
4 wholly provided by another party.

5 5. Any disclosure that is made with the consent of the person who
6 is depicted in the image.

7 C. A violation of this section is a class 5 felony, except that a
8 violation of this section is a:

9 1. Class 4 felony if the image is disclosed by electronic means.

10 2. Class 1 misdemeanor if a person threatens to disclose but does
11 not disclose an image that if disclosed would be a violation of this
12 section or if the image is a realistic pictorial representation.

13 D. For the purposes of this section:

14 1. "Disclose" means display, distribute, publish, advertise or
15 offer.

16 2. "Disclosed by electronic means" means delivery to an email
17 address, mobile device, tablet or other electronic device and includes
18 disclosure on a website.

19 3. "Harm" means physical injury, financial injury or serious
20 emotional distress.

21 4. "IDENTIFIABLE INDIVIDUAL" MEANS A PERSON WHO IS RECOGNIZABLE BY
22 ANY PERSON, INCLUDING THE PERSON THEMSELF, BY ANY PART OF THE PERSON OR BY
23 ANY OTHER INFORMATION THAT IS PART OF THE DEPICTION.

24 ~~4.~~ 5. "Image" means a photograph, videotape, film, digital
25 recording, ~~or~~ realistic pictorial representation OR SYNTHETIC DEPICTION OF
26 AN IDENTIFIABLE INDIVIDUAL.

27 ~~5.~~ 6. "Realistic pictorial representation":

28 (a) Means an image that is created or modified to reasonably appear
29 to be an actual image of an identifiable person depicted in a state of
30 nudity or engaged in specific sexual activities that did not actually
31 occur.

32 (b) Does not include an image made in the public interest,
33 including scientific or educational activities, a newsworthy event or an
34 issue of public concern.

35 ~~6.~~ 7. "Reasonable expectation of privacy" means the person
36 exhibits an actual expectation of privacy and the expectation is
37 reasonable.

38 ~~7.~~ 8. "Specific sexual activities" has the same meaning prescribed
39 in section 11-811, subsection E, paragraph 18, subdivisions (a) and (b).

40 ~~8.~~ 9. "State of nudity" has the same meaning prescribed in section
41 11-811, subsection E, paragraph 14, subdivision (a).

42 10. "SYNTHETIC DEPICTION" MEANS ANY VISUAL DEPICTION THAT IS
43 CREATED OR ALTERED THROUGH THE USE OF ARTIFICIAL INTELLIGENCE, DIGITAL
44 MANIPULATION OR OTHER TECHNOLOGY AND THAT APPEARS TO DEPICT AN
45 IDENTIFIABLE INDIVIDUAL BUT THAT DOES NOT REPRESENT AN ACTUAL EVENT OR
46 CONDUCT INVOLVING THAT INDIVIDUAL.

1 SERVICES TO THE EXTENT THAT THE INTERNET SERVICE PROVIDER, SEARCH ENGINE
2 OR CLOUD SERVICE PROVIDER IS NOT RESPONSIBLE FOR THE CREATION OR DIRECT
3 HOSTING OF THE SEXUAL MATERIAL.]

4 D. A COMMERCIAL ENTITY THAT PUBLISHES OR DISTRIBUTES SEXUAL
5 MATERIAL ON AN INTERNET WEBSITE WITHOUT OBTAINING VERIFIED CONSENT FROM A
6 DEPICTED INDIVIDUAL IN VIOLATION OF THIS SECTION IS SUBJECT TO:

- 7 1. A CIVIL PENALTY OF \$10,000 FOR EACH DAY OF THE VIOLATION.
- 8 2. ACTUAL DAMAGES.
- 9 3. COSTS AND REASONABLE ATTORNEY FEES.
- 10 4. ADDITIONAL RELIEF, INCLUDING INJUNCTIVE RELIEF.

11 E. THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE THIS SECTION
12 AND, IN ADDITION TO ANY PENALTY PROVIDED FOR IN SECTION 13-3553, MAY SEEK
13 CIVIL PENALTIES OF UP TO \$250,000 IF A MINOR IS DEPICTED IN THE SEXUAL
14 MATERIAL THAT IS PUBLISHED OR DISTRIBUTED IN VIOLATION OF THIS SECTION.

15 F. THE FOLLOWING PERSONS MAY BRING A CIVIL ACTION PURSUANT TO THIS
16 SECTION:

- 17 1. THE ATTORNEY GENERAL.
- 18 2. AN INDIVIDUAL WHO IS DEPICTED IN THE SEXUAL MATERIAL AND WHO DID
19 NOT CONSENT TO THE DEPICTION.

20 G. FOR THE PURPOSES OF THIS SECTION:

21 1. "COMMERCIAL ENTITY" HAS THE SAME MEANING PRESCRIBED IN SECTION
22 44-7301.

23 2. "CONSENT" MEANS AFFIRMATIVE, CONSCIOUS AND VOLUNTARY
24 AUTHORIZATION THAT IS GIVEN BY AN INDIVIDUAL AND THAT IS DOCUMENTED AND
25 VERIFIABLE.

26 3. "DISTRIBUTE" HAS THE SAME MEANING PRESCRIBED IN SECTION 44-7301.

27 4. "IDENTIFIABLE INDIVIDUAL" MEANS A PERSON WHO IS RECOGNIZABLE BY
28 ANY PERSON, INCLUDING THE PERSON THEMSELF, BY ANY PART OF THE PERSON OR BY
29 ANY OTHER INFORMATION THAT IS PART OF THE DEPICTION.

30 5. "PUBLISH" HAS THE SAME MEANING PRESCRIBED IN SECTION 44-7301.

31 6. "REASONABLE CONSENT VERIFICATION METHODS":

32 (a) MEANS ANY COMMERCIALLY REASONABLE METHOD THAT IS REGULARLY USED
33 BY BUSINESSES TO VERIFY CONSENT, WITHOUT REQUIRING OR ALLOWING THE USE OF
34 ANY GOVERNMENT-ISSUED DIGITAL IDENTIFICATION SYSTEM.

35 (b) INCLUDES:

36 (i) AN AFFIDAVIT THAT ATTESTS TO THE CONSENT AND AGE OF EACH
37 DEPICTED PERSON.

38 (ii) A VERIFICATION THROUGH AN INDEPENDENT THIRD PARTY.

39 (iii) ANY OTHER COMMERCIALLY REASONABLE METHOD THAT DOES NOT RETAIN
40 IDENTIFYING INFORMATION AFTER THE VERIFICATION IS COMPLETE.

41 7. "SEXUAL MATERIAL" INCLUDES:

42 (a) SEXUAL MATERIAL THAT IS HARMFUL TO MINORS AS DEFINED IN SECTION
43 44-7301.

44 (b) A SYNTHETIC DEPICTION INVOLVING SEXUAL MATERIAL OF AN
45 IDENTIFIABLE INDIVIDUAL.

46 8. "SYNTHETIC DEPICTION" MEANS ANY VISUAL DEPICTION THAT IS CREATED
47 OR ALTERED THROUGH THE USE OF ARTIFICIAL INTELLIGENCE, DIGITAL

1 MANIPULATION OR OTHER TECHNOLOGY AND THAT APPEARS TO DEPICT AN
2 IDENTIFIABLE INDIVIDUAL BUT THAT DOES NOT REPRESENT AN ACTUAL EVENT OR
3 CONDUCT INVOLVING THAT INDIVIDUAL.

4 Sec. 4. Severability

5 If a provision of this act or its application to any person or
6 circumstance is held invalid, the invalidity does not affect other
7 provisions or applications of the act that can be given effect without the
8 invalid provision or application, and to this end the provisions of this
9 act are severable.

10 Sec. 5. Short title

11 This act may be cited as the "Protect Act".

12 Enroll and engross to conform

13 Amend title to conform

And, as so amended, it do pass

JUSTIN WILMETH
CHAIRMAN

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01/29/2026

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