

Conference Engrossed

sexual material; consent; synthetic depiction

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# HOUSE BILL 2133

AN ACT

AMENDING SECTION 13-1425, ARIZONA REVISED STATUTES; PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING TITLE 44, CHAPTER 30, ARTICLE 1, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED, BY ADDING SECTION 44-7302; RELATING TO THE DISCLOSURE OF SEXUAL MATERIAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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.

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

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

34 C. THIS SECTION DOES NOT APPLY IF IT IS CLEAR TO A REASONABLE  
35 VIEWER THAT THE IMAGE, RECORDING OR VIDEO HAS BEEN BOTH:

36 1. DIGITALLY MANIPULATED.

37 2. CREATED FOR THE PURPOSES OF ANY OF THE FOLLOWING:

38 (a) PARODY.

39 (b) COMEDY.

40 (c) ARTISTIC EXPRESSION.

41 (d) CRITICISM OF MATTERS OF PUBLIC CONCERN.

42 ~~C.~~ D. A violation of this section is a class 5 felony, except that  
43 a violation of this section is a:

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

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

4           ~~4.~~ E. For the purposes of this section:

5           1. "Disclose" means display, distribute, publish, advertise or  
6 offer.

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

10          3. "Harm" means physical injury, financial injury or serious  
11 emotional distress.

12          4. "IDENTIFIABLE PERSON" MEANS A PERSON WHO IS RECOGNIZABLE BY ANY  
13 PERSON, INCLUDING THE PERSON HIMSELF, BY ANY PART OF THE PERSON OR BY ANY  
14 OTHER INFORMATION THAT IS PART OF THE DEPICTION.

15          ~~4.~~ 5. "Image" means a photograph, videotape, film, digital  
16 recording or realistic pictorial representation.

17          ~~5.~~ 6. "Realistic pictorial representation":

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

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

25          ~~6.~~ 7. "Reasonable expectation of privacy" means the person  
26 exhibits an actual expectation of privacy and the expectation is  
27 reasonable.

28          ~~7.~~ 8. "Specific sexual activities" has the same meaning prescribed  
29 in section 11-811, subsection E, paragraph 18, subdivisions (a) and (b).

30          ~~8.~~ 9. "State of nudity" has the same meaning prescribed in section  
31 11-811, subsection E, paragraph 14, subdivision (a).

32          Sec. 2. Heading change; transfer and renumber

33          A. The chapter heading of title 18, chapter 7, Arizona Revised  
34 Statutes, is changed from "GOVERNMENT INFORMATION TECHNOLOGY USE" to  
35 "SEXUAL MATERIAL ON THE INTERNET".

36          B. Title 18, chapter 7, Arizona Revised Statutes, is transferred  
37 and renumbered for placement in title 44, Arizona Revised Statutes, as  
38 chapter 30. Title 18, chapter 7, article 1, Arizona Revised Statutes, is  
39 transferred and renumbered for placement in title 44, chapter 30, Arizona  
40 Revised Statutes, as article 1. Section 18-701, Arizona Revised Statutes,  
41 is transferred and renumbered for placement in title 44, chapter 30,  
42 article 1, Arizona Revised Statutes, as section 44-7301.

1           Sec. 3. Title 44, chapter 30, article 1, Arizona Revised Statutes,  
2 as transferred and renumbered, is amended by adding section 44-7302, to  
3 read:

4           44-7302. Sexual material on the internet; verification and  
5                           consent requirements; records; applicability;  
6                           civil penalties; definitions

7           A. A COMMERCIAL ENTITY THAT KNOWINGLY AND INTENTIONALLY PUBLISHES  
8 OR DISTRIBUTES, AND ALLOWS THE PUBLICATION OR DISTRIBUTION OF, SEXUAL  
9 MATERIAL ON AN INTERNET WEBSITE SHALL DO ALL OF THE FOLLOWING:

10           1. REQUIRE EACH PERSON WHO UPLOADS OR PLACES THE SEXUAL MATERIAL ON  
11 AN INTERNET WEBSITE TO VERIFY, USING REASONABLE VERIFICATION METHODS,  
12 EITHER OF THE FOLLOWING:

13           (a) THAT EACH INDIVIDUAL WHO IS DEPICTED IN THE SEXUAL MATERIAL HAS  
14 PROVIDED EXPLICIT INFORMED CONSENT TO THE CREATION, DISTRIBUTION AND  
15 PUBLICATION OF THE SEXUAL MATERIAL AND WAS AT LEAST EIGHTEEN YEARS OF AGE  
16 AT THE TIME THE SEXUAL MATERIAL WAS CREATED.

17           (b) THAT THE SEXUAL MATERIAL WAS CREATED BEFORE THE ENACTMENT OF  
18 THE CHILD PROTECTION AND OBSCENITY ENFORCEMENT ACT OF 1988 (P.L. 100-690;  
19 102 STAT. 4485) BY USING ANY OF THE FOLLOWING:

20           (i) AN AFFIDAVIT FROM THE UPLOADER OR CUSTODIAN OF RECORDS.

21           (ii) CONTEMPORANEOUS PUBLICATION OR COPYRIGHT RECORDS.

22           (iii) TECHNICAL METADATA.

23           (iv) ANY OTHER EVIDENCE THAT REASONABLY ESTABLISHES THE DATE THE  
24 SEXUAL MATERIAL WAS FIRST FIXED IN A TANGIBLE MEDIUM.

25           2. MAINTAIN RECORDS OF THE VERIFICATION FOR AT LEAST SEVEN YEARS.

26           3. IMPLEMENT REASONABLE MEASURES TO PREVENT THE UPLOADING OF SEXUAL  
27 MATERIAL THAT DOES NOT HAVE VERIFIED CONSENT, INCLUDING USING AUTOMATED  
28 DETECTION TOOLS WHERE FEASIBLE.

29           B. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

30           1. A NEWS OR PUBLIC INTEREST BROADCAST OR PUBLICATION.

31           2. MATERIAL THAT IS DISTRIBUTED FOR BONA FIDE SCIENTIFIC, MEDICAL  
32 OR EDUCATIONAL PURPOSES.

33           3. AN INTERNET SERVICE PROVIDER, AN INTERNET SERVICE PROVIDER'S  
34 AFFILIATES OR SUBSIDIARIES, A SEARCH ENGINE OR A CLOUD SERVICE PROVIDER  
35 THAT SOLELY PROVIDES ACCESS OR A CONNECTION TO OR FROM A WEBSITE OR OTHER  
36 INFORMATION OR CONTENT ON THE INTERNET OR ON A FACILITY, SYSTEM OR NETWORK  
37 THAT IS NOT UNDER THAT INTERNET SERVICE PROVIDER'S CONTROL, INCLUDING  
38 TRANSMISSION, DOWNLOADING, INTERMEDIATE STORAGE, ACCESS SOFTWARE OR OTHER  
39 SERVICES TO THE EXTENT THAT THE INTERNET SERVICE PROVIDER, SEARCH ENGINE  
40 OR CLOUD SERVICE PROVIDER IS NOT RESPONSIBLE FOR THE CREATION OR DIRECT  
41 HOSTING OF THE SEXUAL MATERIAL.

42           4. A MOTION PICTURE THAT WAS PRODUCED BEFORE THE EFFECTIVE DATE OF  
43 THIS SECTION AND THAT WAS RATED BY THE MOTION PICTURE ASSOCIATION OR ITS  
44 PREDECESSOR, THE MOTION PICTURE ASSOCIATION OF AMERICA.

1           5. A TELEVISION PROGRAM OR TELEVISION SERIES THAT WAS PRODUCED  
2 BEFORE THE EFFECTIVE DATE OF THIS SECTION.  
3           C. A COMMERCIAL ENTITY THAT PUBLISHES OR DISTRIBUTES SEXUAL  
4 MATERIAL ON AN INTERNET WEBSITE WITHOUT COMPLYING WITH SUBSECTION A OF  
5 THIS SECTION AND IN VIOLATION OF THIS SECTION IS SUBJECT TO:  
6           1. A CIVIL PENALTY OF \$10,000 FOR EACH DAY OF THE VIOLATION.  
7           2. ACTUAL DAMAGES.  
8           3. COSTS AND REASONABLE ATTORNEY FEES.  
9           4. ADDITIONAL RELIEF, INCLUDING INJUNCTIVE RELIEF.  
10          D. THIS SECTION DOES NOT APPLY IF IT IS CLEAR TO A REASONABLE  
11 VIEWER THAT THE IMAGE, RECORDING OR VIDEO HAS BEEN BOTH:  
12          1. DIGITALLY MANIPULATED.  
13          2. CREATED FOR THE PURPOSES OF ANY OF THE FOLLOWING:  
14           (a) PARODY.  
15           (b) COMEDY.  
16           (c) ARTISTIC IMPRESSION.  
17           (d) CRITICISM OF MATTERS OF PUBLIC CONCERN.  
18          E. THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE THIS SECTION  
19 AND, IN ADDITION TO ANY PENALTY PROVIDED FOR IN SECTION 13-3553, MAY SEEK  
20 CIVIL PENALTIES OF UP TO \$250,000 IF A MINOR IS DEPICTED IN THE SEXUAL  
21 MATERIAL THAT IS PUBLISHED OR DISTRIBUTED IN VIOLATION OF THIS SECTION.  
22          F. THE FOLLOWING PERSONS MAY BRING A CIVIL ACTION PURSUANT TO THIS  
23 SECTION:  
24          1. THE ATTORNEY GENERAL.  
25          2. AN INDIVIDUAL WHO IS DEPICTED IN THE SEXUAL MATERIAL AND WHO DID  
26 NOT CONSENT TO THE DEPICTION.  
27          G. FOR THE PURPOSES OF THIS SECTION:  
28          1. "COMMERCIAL ENTITY" HAS THE SAME MEANING PRESCRIBED IN SECTION  
29 44-7301.  
30          2. "CONSENT" MEANS AFFIRMATIVE, CONSCIOUS AND VOLUNTARY  
31 AUTHORIZATION THAT IS GIVEN BY AN INDIVIDUAL AND THAT IS DOCUMENTED AND  
32 VERIFIABLE.  
33          3. "DIRECT HOSTING":  
34           (a) MEANS STORING SEXUAL MATERIAL ON SERVERS, SYSTEMS OR NETWORKS  
35 THAT ARE CONTROLLED OR OPERATED BY THE COMMERCIAL ENTITY WHERE THE  
36 COMMERCIAL ENTITY ENABLES USERS TO UPLOAD THE MATERIAL AND MAKES THE  
37 MATERIAL ACCESSIBLE FOR VIEWING, DOWNLOADING, SHARING OR DISTRIBUTION BY  
38 OTHER USERS OR THE PUBLIC THROUGH THE ENTITY'S WEBSITE, APPLICATION OR  
39 PLATFORM.  
40           (b) DOES NOT INCLUDE ANY OF THE FOLLOWING:  
41           (i) TRANSITORY DIGITAL NETWORK COMMUNICATIONS OR THE MERE PROVISION  
42 OF INTERNET CONNECTIVITY OR ACCESS.  
43           (ii) SYSTEM CACHING OR INTERMEDIATE STORAGE THAT IS INCIDENTAL TO  
44 TRANSMISSION.

1 (iii) INFORMATION LOCATION TOOLS, INCLUDING SEARCH ENGINES, THAT  
2 ONLY INDEX, LINK TO OR REFERENCE CONTENT THAT IS HOSTED BY A THIRD PARTY  
3 WITHOUT STORING THE MATERIAL ON THE COMMERCIAL ENTITY'S CONTROLLED  
4 SYSTEMS.

5 4. "DISTRIBUTE" HAS THE SAME MEANING PRESCRIBED IN SECTION 44-7301.

6 5. "IDENTIFIABLE INDIVIDUAL" MEANS A PERSON WHO IS RECOGNIZABLE BY  
7 ANY PERSON, INCLUDING THE PERSON HIMSELF, BY ANY PART OF THE PERSON OR BY  
8 ANY OTHER INFORMATION THAT IS PART OF THE DEPICTION.

9 6. "PUBLISH" HAS THE SAME MEANING PRESCRIBED IN SECTION 44-7301.

10 7. "REASONABLE VERIFICATION METHODS":

11 (a) MEANS ANY COMMERCIALLY REASONABLE METHOD THAT IS REGULARLY USED  
12 BY BUSINESSES TO VERIFY CONSENT, AGE OR THE DATE THE SEXUAL MATERIAL WAS  
13 CREATED, WITHOUT REQUIRING OR ALLOWING THE USE OF ANY GOVERNMENT-ISSUED  
14 DIGITAL IDENTIFICATION SYSTEM.

15 (b) INCLUDES:

16 (i) AN AFFIDAVIT THAT ATTESTS TO THE CONSENT AND AGE OF EACH  
17 DEPICTED PERSON OR THAT ATTESTS TO THE DATE THE SEXUAL MATERIAL WAS  
18 CREATED IF THE SEXUAL MATERIAL WAS CREATED BEFORE THE ENACTMENT OF THE  
19 CHILD PROTECTION AND OBSCENITY ENFORCEMENT ACT OF 1988 (P.L. 100-690; 102  
20 STAT. 4485).

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

22 (iii) ANY OTHER COMMERCIALLY REASONABLE METHOD.

23 8. "SEXUAL MATERIAL" INCLUDES SEXUAL MATERIAL THAT IS HARMFUL TO  
24 MINORS AS DEFINED IN SECTION 44-7301 AND MAY INCLUDE A SYNTHETIC  
25 DEPICTION.

26 9. "SYNTHETIC DEPICTION" MEANS ANY VISUAL DEPICTION THAT IS CREATED  
27 OR ALTERED THROUGH THE USE OF ARTIFICIAL INTELLIGENCE, DIGITAL  
28 MANIPULATION OR OTHER TECHNOLOGY AND THAT APPEARS TO DEPICT AN  
29 IDENTIFIABLE INDIVIDUAL BUT THAT DOES NOT REPRESENT AN ACTUAL EVENT OR  
30 CONDUCT INVOLVING THAT INDIVIDUAL.

31 10. "TELEVISION PROGRAM OR TELEVISION SERIES" MEANS A REOCCURRING  
32 OR EPISODIC PRODUCTION THAT IS INTENDED IN ITS PILOT OR INITIAL RUN TO BE  
33 BROADCAST ON A FREE OR SUBSCRIPTION TELEVISION SERVICE, CABLE, SATELLITE  
34 OR STREAMING PLATFORM AND THAT HAS A RUNNING TIME OF TWENTY MINUTES OR  
35 MORE IN LENGTH, INCLUDING COMMERCIAL ADVERTISEMENT AND INTERSTITIAL  
36 PROGRAMMING.

37 Sec. 4. Severability

38 If a provision of this act or its application to any person or  
39 circumstance is held invalid, the invalidity does not affect other  
40 provisions or applications of the act that can be given effect without the  
41 invalid provision or application, and to this end the provisions of this  
42 act are severable.

43 Sec. 5. Short title

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