

House 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. A violation of this section is a class 5 felony, except that a
35 violation of this section is a:

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

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

40 D. For the purposes of this section:

41 1. "Disclose" means display, distribute, publish, advertise or
42 offer.

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

4 3. "Harm" means physical injury, financial injury or serious
5 emotional distress.

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

9 ~~4.~~ 5. "Image" means a photograph, videotape, film, digital
10 recording, ~~or~~ realistic pictorial representation OR SYNTHETIC DEPICTION OF
11 AN IDENTIFIABLE INDIVIDUAL.

12 ~~5.~~ 6. "Realistic pictorial representation":

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

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

20 ~~6.~~ 7. "Reasonable expectation of privacy" means the person
21 exhibits an actual expectation of privacy and the expectation is
22 reasonable.

23 ~~7.~~ 8. "Specific sexual activities" has the same meaning prescribed
24 in section 11-811, subsection E, paragraph 18, subdivisions (a) and (b).

25 ~~8.~~ 9. "State of nudity" has the same meaning prescribed in section
26 11-811, subsection E, paragraph 14, subdivision (a).

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

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 3. COSTS AND REASONABLE ATTORNEY FEES.
2 4. ADDITIONAL RELIEF, INCLUDING INJUNCTIVE RELIEF.
3 E. THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE THIS SECTION
4 AND, IN ADDITION TO ANY PENALTY PROVIDED FOR IN SECTION 13-3553, MAY SEEK
5 CIVIL PENALTIES OF UP TO \$250,000 IF A MINOR IS DEPICTED IN THE SEXUAL
6 MATERIAL THAT IS PUBLISHED OR DISTRIBUTED IN VIOLATION OF THIS SECTION.
7 F. THE FOLLOWING PERSONS MAY BRING A CIVIL ACTION PURSUANT TO THIS
8 SECTION:
9 1. THE ATTORNEY GENERAL.
10 2. AN INDIVIDUAL WHO IS DEPICTED IN THE SEXUAL MATERIAL AND WHO DID
11 NOT CONSENT TO THE DEPICTION.
12 G. FOR THE PURPOSES OF THIS SECTION:
13 1. "COMMERCIAL ENTITY" HAS THE SAME MEANING PRESCRIBED IN SECTION
14 44-7301.
15 2. "CONSENT" MEANS AFFIRMATIVE, CONSCIOUS AND VOLUNTARY
16 AUTHORIZATION THAT IS GIVEN BY AN INDIVIDUAL AND THAT IS DOCUMENTED AND
17 VERIFIABLE.
18 3. "DIRECT HOSTING":
19 (a) MEANS STORING SEXUAL MATERIAL ON SERVERS, SYSTEMS OR NETWORKS
20 THAT ARE CONTROLLED OR OPERATED BY THE COMMERCIAL ENTITY WHERE THE
21 COMMERCIAL ENTITY ENABLES USERS TO UPLOAD THE MATERIAL AND MAKES THE
22 MATERIAL ACCESSIBLE FOR VIEWING, DOWNLOADING, SHARING OR DISTRIBUTION BY
23 OTHER USES OR THE PUBLIC THROUGH THE ENTITY'S WEBSITE, APPLICATION OR
24 PLATFORM.
25 (b) DOES NOT INCLUDE ANY OF THE FOLLOWING:
26 (i) TRANSITORY DIGITAL NETWORK COMMUNICATIONS OR THE MERE PROVISION
27 OF INTERNET CONNECTIVITY OR ACCESS.
28 (ii) SYSTEM CACHING OR INTERMEDIATE STORAGE THAT IS INCIDENTAL TO
29 TRANSMISSION.
30 (iii) INFORMATION LOCATION TOOLS, INCLUDING SEARCH ENGINES, THAT
31 ONLY INDEX, LINK TO OR REFERENCE CONTENT THAT IS HOSTED BY A THIRD PARTY
32 WITHOUT STORING THE MATERIAL ON THE COMMERCIAL ENTITY'S CONTROLLED
33 SYSTEMS.
34 4. "DISTRIBUTE" HAS THE SAME MEANING PRESCRIBED IN SECTION 44-7301.
35 5. "IDENTIFIABLE INDIVIDUAL" MEANS A PERSON WHO IS RECOGNIZABLE BY
36 ANY PERSON, INCLUDING THE PERSON THEMSELF, BY ANY PART OF THE PERSON OR BY
37 ANY OTHER INFORMATION THAT IS PART OF THE DEPICTION.
38 6. "PUBLISH" HAS THE SAME MEANING PRESCRIBED IN SECTION 44-7301.
39 7. "REASONABLE CONSENT VERIFICATION METHODS":
40 (a) MEANS ANY COMMERCIALLY REASONABLE METHOD THAT IS REGULARLY USED
41 BY BUSINESSES TO VERIFY CONSENT, WITHOUT REQUIRING OR ALLOWING THE USE OF
42 ANY GOVERNMENT-ISSUED DIGITAL IDENTIFICATION SYSTEM.

1 (b) INCLUDES:

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

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

5 (iii) ANY OTHER COMMERCIALY REASONABLE METHOD THAT DOES NOT RETAIN
6 IDENTIFYING INFORMATION AFTER THE VERIFICATION IS COMPLETE.

7 8. "SEXUAL MATERIAL" INCLUDES:

8 (a) SEXUAL MATERIAL THAT IS HARMFUL TO MINORS AS DEFINED IN SECTION
9 44-7301.

10 (b) A SYNTHETIC DEPICTION INVOLVING SEXUAL MATERIAL OF AN
11 IDENTIFIABLE INDIVIDUAL.

12 9. "SYNTHETIC DEPICTION" MEANS ANY VISUAL DEPICTION THAT IS CREATED
13 OR ALTERED THROUGH THE USE OF ARTIFICIAL INTELLIGENCE, DIGITAL
14 MANIPULATION OR OTHER TECHNOLOGY AND THAT APPEARS TO DEPICT AN
15 IDENTIFIABLE INDIVIDUAL BUT THAT DOES NOT REPRESENT AN ACTUAL EVENT OR
16 CONDUCT INVOLVING THAT INDIVIDUAL.

17 Sec. 4. Severability

18 If a provision of this act or its application to any person or
19 circumstance is held invalid, the invalidity does not affect other
20 provisions or applications of the act that can be given effect without the
21 invalid provision or application, and to this end the provisions of this
22 act are severable.

23 Sec. 5. Short title

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