

REFERENCE TITLE: sexual material; consent; synthetic depiction

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

HB 2133

Introduced by
Representative Kupper

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.

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. Heading change; transfer and renumber

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

B. Title 18, chapter 7, Arizona Revised Statutes, is transferred and renumbered for placement in title 44, Arizona Revised Statutes, as chapter 30. Title 18, chapter 7, article 1, Arizona Revised Statutes, is transferred and renumbered for placement in title 44, chapter 30, Arizona Revised Statutes, as article 1. Section 18-701, Arizona Revised Statutes, is transferred and renumbered for placement in title 44, chapter 30, 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, OR 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 CONSENT VERIFICATION
12 METHODS, THAT EACH INDIVIDUAL WHO IS DEPICTED IN THE SEXUAL MATERIAL:

13 (a) HAS PROVIDED EXPLICIT INFORMED CONSENT TO THE CREATION,
14 DISTRIBUTION AND PUBLICATION OF THE SEXUAL MATERIAL.

15 (b) WAS AT LEAST EIGHTEEN YEARS OF AGE AT THE TIME THE MATERIAL WAS
16 CREATED.

17 2. MAINTAIN RECORDS OF THE VERIFICATION FOR AT LEAST SEVEN YEARS.
18 ON REQUEST, THE ATTORNEY GENERAL MAY INSPECT THE RECORDS.

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

22 B. A COMMERCIAL ENTITY MAY NOT RETAIN ANY IDENTIFYING INFORMATION
23 OF THE DEPICTED PERSON AFTER THE VERIFICATION IS COMPLETE EXCEPT AS
24 REQUIRED FOR THE RECORDKEEPING REQUIREMENTS PRESCRIBED IN THIS SECTION.
25 THE COMMERCIAL ENTITY MAY NOT CAUSE OR ALLOW ANY IDENTIFYING INFORMATION
26 TO BE TRANSMITTED TO ANY FEDERAL, STATE OR LOCAL GOVERNMENT ENTITY.

27 C. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

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

29 2. MATERIAL THAT IS DISTRIBUTED FOR BONA FIDE SCIENTIFIC, MEDICAL
30 OR EDUCATIONAL PURPOSES.

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

34 1. A CIVIL PENALTY OF \$10,000 FOR EACH DAY OF THE VIOLATION.

35 2. ACTUAL DAMAGES.

36 3. COSTS AND REASONABLE ATTORNEY FEES.

37 4. ADDITIONAL RELIEF, INCLUDING INJUNCTIVE RELIEF.

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

42 F. THE FOLLOWING PERSONS MAY BRING A CIVIL ACTION PURSUANT TO THIS
43 SECTION:

44 1. THE ATTORNEY GENERAL.

1 2. AN INDIVIDUAL WHO IS DEPICTED IN THE SEXUAL MATERIAL AND WHO DID
2 NOT CONSENT TO THE DEPICTION.

3 G. FOR THE PURPOSES OF THIS SECTION:

4 1. "COMMERCIAL ENTITY" HAS THE SAME MEANING PRESCRIBED IN SECTION
5 44-7301.

6 2. "CONSENT" MEANS AFFIRMATIVE, CONSCIOUS AND VOLUNTARY
7 AUTHORIZATION THAT IS GIVEN BY AN INDIVIDUAL AND THAT IS DOCUMENTED AND
8 VERIFIABLE.

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

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

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

14 6. "REASONABLE CONSENT VERIFICATION METHODS":

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

18 (b) INCLUDES:

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

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

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

24 7. "SEXUAL MATERIAL" INCLUDES:

25 (a) SEXUAL MATERIAL THAT IS HARMFUL TO MINORS AS DEFINED IN SECTION
26 44-7301.

27 (b) A SYNTHETIC DEPICTION INVOLVING SEXUAL MATERIAL OF AN
28 IDENTIFIABLE INDIVIDUAL.

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

34 Sec. 4. Severability

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

40 Sec. 5. Short title

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