

REFERENCE TITLE: unlawful disclosure; images; definitions

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2106

Introduced by
Representative Biasiucci

AN ACT

AMENDING SECTION 13-1425, ARIZONA REVISED STATUTES; RELATING TO SEXUAL OFFENSES.

(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.
17 3. The image is disclosed with the intent to harm, harass,
18 intimidate, threaten or coerce the depicted person.
19 B. This section does not apply to any of the following:
20 1. The reporting of unlawful conduct.
21 2. Lawful and common practices of law enforcement, criminal
22 reporting, legal proceedings or medical treatment.
23 3. Images involving voluntary exposure in a public or commercial
24 setting.
25 4. An interactive computer service, as defined in 47 United States
26 Code section 230(f)(2), or an information service, as defined in 47 United
27 States Code section 153, with regard to content wholly provided by another
28 party.
29 5. Any disclosure that is made with the consent of the person who
30 is depicted in the image.
31 C. A violation of this section is a class 5 felony, except that a
32 violation of this section is a:
33 1. Class 4 felony if the image is disclosed by electronic means.
34 2. Class 1 misdemeanor if a person threatens to disclose but does
35 not disclose an image that if disclosed would be a violation of this
36 section.
37 D. For the purposes of this section:
38 1. "Disclose" means display, distribute, publish, advertise or
39 offer.
40 2. "Disclosed by electronic means" means delivery to an ~~e-mail~~
41 **EMAIL** address, mobile device, tablet or other electronic device and
42 includes disclosure on a website.
43 3. "Harm" means physical injury, financial injury or serious
44 emotional distress.

1 4. "Image" means a photograph, videotape, film or digital
2 recording.

3 5. "Reasonable expectation of privacy" means the person exhibits an
4 actual expectation of privacy and the expectation is reasonable.

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

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