



Bill Number: S.B. 1462

Mesnard Floor Amendment

Reference to: Judiciary and Elections
Committee Amendment

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

- Exempts, from the definition of a *computer-generated pictorial representation*, an image that is made in the public interest, including scientific or education activities, a newsworthy event or on issue of public concern.
- Makes clarifying changes.
- Makes technical changes.

MESNARD FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1462
(Reference to JUDICIARY AND ELECTIONS Committee amendment)

Amendment instruction key:

[GREEN UPPERCASE UNDERLINING IN BRACKETS] indicates that the amendment is adding text to statute or previously enacted session law.
[Green lowercase underlining in brackets] indicates that the amendment is adding text to new session law or is restoring previously stricken text to existing statute.
~~[GREEN UPPERCASE STRIKEOUT IN BRACKETS]~~ indicates that the amendment is removing new text from statute or previously enacted session law.
~~[Green lowercase strikeout in brackets]~~ indicates that the amendment is removing text from existing statute, previously enacted session law or new session law.
<<Double green carets enclosing an entire section>> indicates that the amendment is adding the section to the bill.
~~<<Green strikeout with double green carets enclosing an entire section>>~~ indicates that the amendment is removing the section to the bill.
{[ORANGE UPPERCASE UNDERLINING IN DOUBLE CURLY BRACKETS]} indicates that the amendment to an amendment is adding text to statute or previously enacted session law.
{[Orange lowercase underlining in double curly brackets]} indicates that the amendment to an amendment is adding text to new session law or is restoring previously stricken text to existing statute.
~~{[ORANGE UPPERCASE STRIKEOUT IN DOUBLE CURLY BRACKETS]}~~ indicates that the amendment to an amendment is removing new text from statute or previously enacted session law.
~~{[Orange lowercase strikeout in double curly brackets]}~~ indicates that the amendment to an amendment is removing text from existing statute, previously enacted session law or new session law.
<<Double orange underlined carets enclosing an entire section>> indicate that the amendment to an amendment is adding the section to the bill.
~~<<Orange strikeout with double orange underlined carets enclosing an entire section>>~~ indicates that the amendment to an amendment is removing the section 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. ~~[EXCEPT FOR A COMPUTER-GENERATED PICTORIAL REPRESENTATION,]~~ The
14 depicted person has a reasonable expectation of privacy. Evidence that a

1 person has sent an image to another person using an electronic device does
2 not, on its own, remove the person's reasonable expectation of privacy for
3 that image. [THIS PARAGRAPH DOES NOT APPLY TO AN IMAGE THAT IS A
4 COMPUTER-GENERATED PICTORIAL REPRESENTATION.]

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

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

8 1. The reporting of unlawful conduct.

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

11 3. Images involving voluntary exposure in a public or commercial
12 setting.

13 4. An interactive computer service, as defined in 47 United States
14 Code section 230(f)(2), or an information service {{OR CABLE SERVICE}}, as
15 defined in 47 United States Code section 153, with regard to content
16 wholly provided by another party.

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

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

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

22 2. Class 1 misdemeanor if a person threatens to disclose but does
23 not disclose an image that if disclosed would be a violation of this
24 section.

25 D. For the purposes of this section:

26 [1. "COMPUTER-GENERATED PICTORIAL REPRESENTATION" MEANS AN IMAGE
27 THAT {{REASONABLY APPEARS TO BE AN ACTUAL IMAGE OF AN IDENTIFIABLE PERSON
28 BUT THAT}} IS CREATED OR MODIFIED BY MEANS OF COMPUTER SOFTWARE,
29 ARTIFICIAL INTELLIGENCE OR OTHER DIGITAL EDITING TOOLS {{, EXCEPT FOR AN
30 IMAGE MADE IN THE PUBLIC INTEREST, INCLUDING SCIENTIFIC OR EDUCATIONAL
31 ACTIVITIES, A NEWSWORTHY EVENT OR ON ISSUE OF PUBLIC CONCERN}}.]

32 [1.] [2.] "Disclose" means display, distribute, publish, advertise
33 or offer.

34 [2.] [3.] "Disclosed by electronic means" means delivery to an
35 email address, mobile device, tablet or other electronic device and
36 includes disclosure on a website.

37 [3.] [4.] "Harm" means physical injury, financial injury or
38 serious emotional distress.

39 [4.] [5.] "Image" means a photograph, videotape, film, ~~or~~ digital
40 recording OR COMPUTER-GENERATED PICTORIAL REPRESENTATION.

Senate Amendments to S.B. 1462

1 ~~[5.]~~ [6.] "Reasonable expectation of privacy" means the person
2 exhibits an actual expectation of privacy and the expectation is
3 reasonable.

4 ~~[6.]~~ [7.] "Specific sexual activities" has the same meaning
5 prescribed in section 11-811, subsection E, paragraph 18, subdivisions (a)
6 and (b).

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

9 Enroll and engross to conform

10 Amend title to conform

J.D. MESNARD

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