

# HOUSE BILL No. 1183

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2; IC 35-45-4.

**Synopsis:** Digital sexual image abuse. Increases the penalty for the crime of distribution of an intimate image, from a Class A misdemeanor to a Level 6 felony, and increases the enhancement of this crime from a Level 6 felony to a Level 5 felony. Defines "digital sexual image" as a digital, computer generated image or video that is created or modified to depict: (1) sexual intercourse; (2) other sexual conduct; or (3) exhibition of certain body parts; of a quality, characteristic, or condition, such that it appears to depict an individual. Makes creation or possession of a digital sexual image a Class A misdemeanor and distribution of a digital sexual image a Level 6 felony.

**Effective:** July 1, 2026.

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## Haggard, Bauer M

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January 5, 2026, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

## HOUSE BILL No. 1183

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-31.5-2-94.5, IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2026]: **Sec. 94.5. "Digital sexual image", for**  
4 **purposes of IC 35-45-4-9, has the meaning set forth in**  
5 **IC 35-45-4-9.**

6       SECTION 2. IC 35-31.5-2-100, AS AMENDED BY P.L.186-2025,  
7 SECTION 204, IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2026]: Sec. 100. (a) "Distribute", for purposes  
9 of IC 35-45-4-8 **and IC 35-45-4-9**, has the meaning set forth in  
10 IC 35-45-4-8.

11       (b) "Distribute", for purposes of IC 35-46-1-10, has the meaning set  
12 forth in IC 35-46-1-10(f).

13       (c) "Distribute", for purposes of IC 35-46-1-10.2, has the meaning  
14 set forth in IC 35-46-1-10.2(g).

15       (d) "Distribute", for purposes of IC 35-47.5, has the meaning set  
16 forth in IC 35-47.5-2-6.

17       (e) "Distribute", for purposes of IC 35-48, has the meaning set forth



1 in IC 35-48-1.1-13.

2 (f) "Distribute", for purposes of IC 35-49, has the meaning set forth  
3 in IC 35-49-1-2.

4 SECTION 3. IC 35-45-4-8, AS AMENDED BY P.L.79-2024,  
5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2026]: Sec. 8. (a) This section does not apply to:

7 (1) a photograph, digital image, or video that is distributed:

8 (A) to report a possible criminal act;

9 (B) in connection with a criminal investigation;

10 (C) under a court order;

11 (D) to a location that is:

12 (i) intended solely for the storage or backup of personal data,  
13 including photographs, digital images, and video; and

14 (ii) password protected; or

15 (E) by a news reporting or an entertainment medium (as  
16 defined in IC 32-36-1-4);

17 (2) a newspaper or news service that publishes news related  
18 information through a website;

19 (3) a cloud service provider; or

20 (4) an Internet provider, an affiliate or subsidiary of an Internet  
21 provider, or a search engine that:

22 (A) solely provides access or connection to a website or other  
23 Internet content that is not under the control of that Internet  
24 service provider, affiliate or subsidiary, or search engine; and

25 (B) is not responsible for creating or publishing the content  
26 that constitutes material harmful to minors.

27 (b) As used in this section, "distribute" means to transfer to another  
28 person in, or by means of, any medium, forum, telecommunications  
29 device or network, or website, including posting an image on a website  
30 or application.

31 (c) As used in this section, "intimate image" means a photograph,  
32 digital image, computer generated image, or video:

33 (1) that depicts:

34 (A) sexual intercourse;

35 (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);

36 or

37 (C) exhibition of the uncovered buttocks, genitals, or female  
38 breast;

39 of an individual;

40 (2) taken, captured, created, disseminated, or recorded by:

41 (A) an individual depicted in the photograph, digital image, or  
42 video and given or transmitted directly to the person described



- 1 in subsection (d);
- 2 (B) the person described in subsection (d) in the physical
- 3 presence of an individual depicted in the photograph, digital
- 4 image, or video; or
- 5 (C) the person described in subsection (d) with respect to a
- 6 photograph, digital image, computer generated image, or video
- 7 of an individual created or modified by means of a computer
- 8 software program, artificial intelligence, application, or other
- 9 digital editing tools; and
- 10 (3) that is of a quality, characteristic, or condition such that it
- 11 appears to depict the alleged victim.
- 12 (d) A person who:
- 13 (1) knows or reasonably should know that an individual depicted
- 14 in an intimate image does not consent to the distribution of the
- 15 intimate image; and
- 16 (2) distributes the intimate image;
- 17 commits distribution of an intimate image, a ~~Class A misdemeanor~~
- 18 **Level 6 felony**. However, the offense is a **Level 6.5** felony if the person
- 19 has a prior unrelated conviction under this section.
- 20 (e) It is not a necessary element of the offense described in
- 21 subsection (d) that the individual depicted in the intimate image
- 22 actually sent the image.
- 23 SECTION 4. IC 35-45-4-9 IS ADDED TO THE INDIANA CODE
- 24 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 25 1, 2026]: **Sec. 9. (a) This section does not apply to:**
- 26 **(1) a digital image or video that is distributed:**
- 27 **(A) to report a possible criminal act;**
- 28 **(B) in connection with a criminal investigation;**
- 29 **(C) under a court order; or**
- 30 **(D) by a news reporting or an entertainment medium (as**
- 31 **defined in IC 32-36-1-4);**
- 32 **(2) a newspaper or news service that publishes news related**
- 33 **information through a website;**
- 34 **(3) a cloud service provider; or**
- 35 **(4) an Internet provider, an affiliate or subsidiary of an**
- 36 **Internet provider, or a search engine that:**
- 37 **(A) solely provides access or connection to a website or**
- 38 **other Internet content that is not under the control of that**
- 39 **Internet service provider, affiliate or subsidiary, or search**
- 40 **engine; and**
- 41 **(B) is not responsible for creating or publishing the content**
- 42 **that constitutes material harmful to minors.**



1       (b) As used in this section, "digital sexual image" means a  
2       digital, computer generated image or video that is created or  
3       modified by means of artificial intelligence, a computer software  
4       program, an application, or other editing tools that depicts:

5       (1) sexual intercourse;

6       (2) other sexual conduct (as defined in IC 35-31.5-2-221.5); or

7       (3) exhibition of the uncovered buttocks, genitals, or female  
8       breast;

9       of a quality, characteristic, or condition such that it appears to  
10      depict an individual.

11      (c) As used in this section, "distribute" has the meaning set forth  
12      in section 8(b) of this chapter.

13      (d) A person who:

14      (1) creates; or

15      (2) possesses;

16      a digital sexual image without the consent of the individual  
17      depicted in the digital sexual image commits digital sexual image  
18      abuse, a Class A misdemeanor. However, the offense is a Level 6  
19      felony if the person has a prior unrelated conviction under this  
20      subsection.

21      (e) A person who distributes a digital sexual image without the  
22      consent of the individual depicted in the digital sexual image  
23      commits distribution of a digital sexual image, a Level 6 felony.  
24      However, the offense is a Level 5 felony if the person has a prior  
25      unrelated conviction under this subsection.

