

HOUSE BILL No. 1183

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.

Haggard, Bauer M

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



Introduced

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



12 (d) A person who:

13 (1) knows or rea

(1) knows or reasonably should know that an individual depicted in an intimate image does not consent to the distribution of the intimate image; and

(2) distributes the intimate image; its distribution is a violation of privacy.

17 commits distribution of an intimate image, a ~~Class A misdemeanor~~
18 **Level 6 felony**. However, the offense is a Level 65 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.

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

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

38 other Internet content that is not under the control of that
39 Internet service provider, affiliate or subsidiary, or search
40 engine; and

40 engine, and
41 (B) is not responsible for creating or publishing the content
42 that constitutes material harmful to minors



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

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.

