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States' Unmanned Aerial Vehicle Laws: *Arkansas*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

States' Unmanned Aerial Vehicle Laws: Arkansas

AR ST § 5-16-101

AR ST § 5-16-102

Current through November 5, 2022

AR ST § 5-16-101 Crime of Video Voyeurism

(a) It is unlawful for a person to use a camera, videotape, photo-optical, photoelectric, or other image recording device for the purpose of secretly observing, viewing, photographing, filming, or videotaping another person who is present in a residence, place of business, school, or other structure, or a room or particular location within that structure, if the other person:

- (1) Is in a private area out of public view;
- (2) Has a reasonable expectation of privacy; and
- (3) Has not consented to the observing, viewing, photographing, filming, or videotaping.

(b) It is unlawful for a person to knowingly use an unmanned vehicle or aircraft, a camcorder, a motion picture camera, a photographic camera of any type, or other equipment that is concealed, operated in a manner to escape detection, or disguised to secretly or surreptitiously videotape, film, photograph, record, or view by electronic means another person:

- (1) For the purpose of viewing any portion of the other person's body and for which the other person has a reasonable expectation of privacy;
- (2) Without the knowledge or consent of the other person; and
- (3) Under circumstances in which the other person has a reasonable expectation of privacy.

(c) (1) A person who violates subsection (a) of this section upon conviction is guilty of a:

- (A) Class D felony for a first or second offense;
- (B) Class C felony for a third or subsequent offense; or
- (C) Class C felony if the victim is under fourteen (14) years of age.

(2) (A) A person who violates subsection (b) of this section upon conviction is guilty of a Class B misdemeanor.

(B) However, a person who violates subsection (b) of this section upon conviction is guilty of a Class A misdemeanor if the person:

- (i) Distributed or transmitted the video recording, film, or photo to another person;



- (ii) Posted the video recording, film, or photo in a format accessible by another person via the internet; or
 - (iii) Has previously been convicted of a violation of this section or § 5-16-102.
- (d) This section does not apply to:
 - (1) Video recording or monitoring conducted under a court order from a court of competent jurisdiction;
 - (2) Security monitoring operated by or at the direction of an occupant of a residence;
 - (3) Security monitoring operated by or at the direction of the owner or administrator of a place of business, school, or other structure;
 - (4) Security monitoring operated in a motor vehicle used for public transit;
 - (5) Security monitoring and observation associated with a correctional facility, regardless of the location of the monitoring equipment;
 - (6) Video recording or monitoring conducted by a law enforcement officer within the official scope of his or her duty; or
 - (7) Videotaping under § 12-18-615(b).

AR ST § 5-16-102 Voyeurism

- (a) As used in this section:
 - (1) “Nude or partially nude” means a state of undress of a person who has less than a fully opaque covering over the genitals, pubic area, buttocks, or breast of a female;
 - (2) “Private place” means a place where a person may reasonably expect to be safe from being observed without his or her knowledge and consent; and
 - (3) “Public accommodation” means a business, accommodation, refreshment, entertainment, recreation, or transportation facility where a good, service, facility, privilege, advantage, or accommodation is offered, sold, or otherwise made available to the public.
- (b) A person commits the offense of voyeurism if for the purpose of sexual arousal or gratification, he or she knowingly:
 - (1) Without the consent of each person who is present in the private place, personally or through the use of an unmanned vehicle or aircraft, looks into a private place that is, or is part of, a public accommodation and in which a person may reasonably be expected to be nude or partially nude; or
 - (2) Enters personally or through the use of an unmanned vehicle or aircraft another person's private property without the other person's consent and looks into any person's dwelling unit if:
 - (A) The person looks into the dwelling with the purpose to intrude upon or interfere with a person's privacy;
 - (B) The person looks into a part of the dwelling in which a person is present;
 - (C) The person present has a reasonable expectation of privacy in that part of the dwelling; and



(D) The person present does not consent to the person's looking into that part of the dwelling.

(c) Voyeurism is a:

(1) Class C felony if the victim is under fourteen (14) years of age;

(2) Class D felony if:

(A) A victim is under seventeen (17) years of age and the person who commits the offense holds a position of trust or authority over the victim; or

(B) The person has previously been convicted of an offense under this section or § 5-16-101; or

(3) Class A misdemeanor if otherwise committed.

