An Arizona law that criminalizes revenge porn actually goes further in its ban on distributing nude photos than should be legal, the American Civil Liberties Union said on Tuesday. The state law makes it a felony to display or distribute any nude photo of another person without his or her consent. The ACLU says that could include anything from baby photos to books containing the iconic Vietnam War image of the “napalm girl.”

The ACLU filed a lawsuit on behalf of a number of bookstores, librarians and publishing groups who feel their First Amendment rights are at risk. As written, the law makes it a felony to display or distribute any nude images of a person taken without authorization. According to the ACLU, though, that doesn’t take into account a number of scenarios where displaying
• A college professor in Arizona, giving a lecture on the history of the Vietnam War, projects on a screen the iconic Pulitzer Prize-winning photograph of 9-year-old Kim Phuc as she ran from an aerial napalm attack in Trang Bang, Vietnam.
• A magazine vendor in Arizona stocks a British magazine that contains the image of a naked rugby scrum protesting the prevalence of homophobia in U.K. sports.
• A mother in Arizona shares with her sister, a digital image of her nude infant child.

The scenarios may sound far-fetched, but the ACLU says a local publication has already run into a law enforcement investigation regarding nude photos. The Phoenix New Times, whose parent company is part of the lawsuit, published photographs from an art show, Robert Mapplethorpe and the Classical Tradition: Photographs and Mannerist Prints, that contains nude images. Police asked prosecutors to investigate whether the photos were legal. No charges were filed, but since the revenge porn law passed this year, the ACLU believes the alternative weekly—and perhaps anyone who picks up a copy—could be prosecuted. “The First Amendment just doesn’t permit that kind of carelessness,” ACLU staff attorney Lee Rowland said. “Laws meant to address real horrors need to do just that—without serving as Trojan Horses that erode our hallowed free speech rights.”