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**Working to end sexual violence in Maryland**

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**Testimony Supporting House Bill 145 with Amendments**  
**Lisae C. Jordan, Executive Director & Counsel**  
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute which provides direct legal services for survivors across the State of Maryland. We urge the Judicial Proceedings Committee to report favorably on House Bill 145 with Amendments to Conform to Senate Bill 858.

**House Bill 145 – Revenge Porn – Digitally Altered Images**

This bill was an effort to expand the current “revenge porn” statute, Criminal Law §3-809, to include a broader range of images, including “deep-fakes” and similar depictions. House amendments diluted the legislation, moving the proposed prohibition on deep fakes to the harassment law subject to a 90 day/\$500 penalty for first offenses, 180 day/\$1000 penalty for subsequent offenses; the House also created a statute of limitations of 5 years from the date of discovery.

While HB145 as amended is better than the current law failing to protect against sexual deep fakes, the Senate has taken a far better approach in SB858, which has passed the Senate. SB858 wisely adds sexual deep fake images to the revenge porn statute and also creates a civil action for per se defamation. This recognizes the seriousness of the activity and avoids needlessly time-consuming litigation over whether sexual images are “real” or deep fakes or both (one can easily imagine the number of images which are both altered by a computer and original). The senate also expanded the statute of limitations for revenge porn under SB391.

Revenge Porn is the abhorrent practice of harming another person by distributing images of their intimate parts or sexual activities without their consent. Typically, this involves former romantic partners who have shared pictures of themselves willingly and one shares the pictures without the consent of the other to harm, harass, intimidate, threaten, or coerce the other person. However, this practice is not all ‘revenge’ – people share images because they want sexual gratification, control, money, or because of voyeurism, extortion, misogyny, obsession. <https://myimagemychoice.org/>

The advent of AI and more sophisticated computer technology creates a need to update the current statute. It is not difficult to create sexual images of someone that are wholly made up and also indistinguishable from an actual person. These images can cause significant emotional, reputational, and financial harm. MCASA supports the Senate approach embodied in SB858 and SB391.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to report favorably on  
House Bill 145 only if conformed to SB858**