

**HB 145 FAV Peggy Cairns MCAP SJPtestimony.pdf**

Uploaded by: Peggy Cairns

Position: FAV

# Maryland Coalition Against Pornography, Inc.

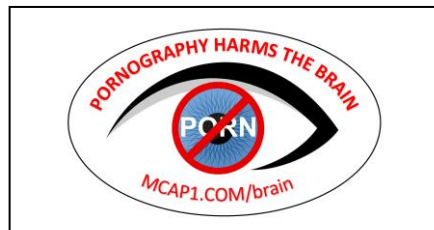
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TOGETHER WE CARE

March 28, 2024

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## In support of HB 145

MCAP thanks this legislative body for this hearing, especially during Women's History month. A 2023 study found that while 98% of all online deepfake videos were pornographic, women were the subjects in 99% of them. It is used to punish, silence and humiliate mostly women. Victims of non-consensual pornography experience extreme psychological distress that can lead to self-harm and suicide, physical endangerment that include in-person stalking and harassment and financial professional and reputational ruin. The damage done is, in some respects, not unlike the way acid is thrown on the faces of some non-conforming women in some cultures. And if Taylor Swift cannot get the digital forgery of herself removed from the internet, obviously no one is safe. Nor should the aspect of child porn, or CSAM, be forgotten, and how predator groomers are using AI.

Some stats - In only a three month period. From November 1st, 2022 to February 1st, 2023, there were over 99,000 IP addresses throughout the United States that distributed known CSAM; only 782 were investigated. Studies say that more than 50% of suspects in CSAM-related crimes also commit hands-on offenses against children in their communities.

Free speech rights should not stand in the way of legislating in this arena. Long-standing precedent in First Amendment law allows for regulation of false harmful expressions that are perceived by others to be true - for example, untruthfully yelling "Fire" in a crowded arena. Defamation, fraud, impersonation, counterfeiting and forgery are NOT protected speech.

The proliferation of **extremely** bad actors, the worsening sickness of their acts, the ease with which AI has enabled their actions, and the way that the law has *not* kept up with technological advances should be scary enough to spur this and other legislatures to take both reactive and preventative measures asap.

The 10 states below now have legislation that specifically targets those who create and share explicit deepfake content, [as reported by USA Today](#). Many laws were passed in the last year or so, and outline penalties ranging from fines to possible jail time for offenders. [California](#), [Florida](#), [Georgia](#), [Hawaii](#), [Illinois](#), [Minnesota](#), [New York](#), [South Dakota](#), [Texas](#) and [Virginia](#) – the earliest, passed in 2019. Massachusetts and Wisconsin have bills in progress. Indiana's is not yet signed by the governor.

MCAP applauds efforts here to try fill legal gaps and make sure that bad actors go to prison.

Respectfully submitted,

Peggy Cairns, Education Chairperson  
Silver Spring, MD

# **Testimony in support of crossover bill HB0145.pdf**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

CROSSOVER BILL HB0145\_RichardKaplowitz\_FAV  
3/28/2022

Richard Keith Kaplowitz  
Frederick, MD 21703-7134

**TESTIMONY ON CROSSOVER BILL HB#0145 - POSITION: FAVORABLE**

**Criminal Law - Deep Fake Representations and Revenge Porn**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Richard Keith Kaplowitz

**My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of CROSSOVER BILL HB#0145, Criminal Law - Deep Fake Representations and Revenge Porn**

This bill acknowledges the harm created by the use of advanced technology to seek revenge on intimate partners. The Boston University School of Law has declared in an article titled *Revenge Porn and Deep Fake Technology: The Latest Iteration of Online Abuse*:

“What began as sharing consensually obtained images beyond their intended viewers has evolved into more insidious and complex crimes. [Hackers](#) have started accessing private devices to steal intimate photos for the purpose of blackmailing victims with the threat of sharing those photos online. And the rise of Artificial Intelligence (AI) has created a new type of revenge porn: deep fakes.”<sup>1</sup>

This bill is an attempt to make the laws in Maryland respond to this new technology in ways that will protect against victimization through its utilization. The Guardian, in an opinion piece published on March 13, 2023, declared:

“The rapid increase in the number and availability of nonconsensual deepfake porn videos raises alarming questions about privacy and consent in the digital future. How will the huge numbers of women – and the smaller, but significant, numbers of men – who are affected by this new AI-enabled revenge porn manage their reputations and lives? As the technology improves, how will viewers know the difference between fact and AI-generated fiction? How can nonconsensual material be removed when the internet moves so much faster than regulation?”<sup>2</sup>

The laws must respond to this crisis. **I respectfully urge this committee to return a favorable report on CROSSOVER BILL HB0145.**

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<sup>1</sup> <https://sites.bu.edu/dome/2023/08/10/revenge-porn-and-deep-fake-technology-the-latest-iteration-of-online-abuse/>

<sup>2</sup> <https://www.theguardian.com/commentisfree/2023/mar/13/deepfake-pornography-explosion>

# **Revenge Porn - testimony - house in senate - 2024**

Uploaded by: Lisae C Jordan

Position: FWA



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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**  
March 27, 2024

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**

**HB 145\_MNADV\_FWA\_JPR.pdf**

Uploaded by: Melanie Shapiro

Position: FWA



**BILL NO:** House Bill 145  
**TITLE:** Criminal Law - Revenge Porn - Visual Representation  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** March 27, 2024  
**POSITION:** **SUPPORT WITH AMENDMENT**

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The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report with amendments on HB 145.**

House Bill 145 clarifies and provides a definition for what is a “visual representation” in the context of revenge porn. Revenge porn is one of many abusive tactics of power and control present in domestic violence. In one study 71% of victims report that a current or previous romantic partner had posted a nude image.<sup>1</sup>

Revenge porn can be used to threaten a victim, for retaliation, or to simply cause a victim harm. A victim can be coerced into creating an image, the image could have been taken without their consent, or an image could be consensual only for it to be subsequently used to victimize by its distribution without their consent. A victim of revenge porn can experience trauma and psychological harm in addition to economic harm due to the unlawful sharing of images.

The clarifying definition for “visual representation” in HB 145 reflects the evolving nature of technology and how victims can be harmed. However, this bill lacks a civil cause of action for all victims of revenge porn, an additional important remedy for victims.

MNADV would suggest the following language be amended onto HB 145 in Criminal Law § 3-809:

A PERSON DEPICTED IN A VISUAL REPRESENTATION DISTRIBUTED IN VIOLATION OF THIS SECTION MAY FILE A CIVIL ACTION TO RECOVER DAMAGES AND FOR INJUNCTIVE RELIEF.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report with amendments on HB 145.**

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<sup>1</sup> <https://www.strangulationtraininginstitute.com/revenge-porn-the-latest-research-and-law-enforcement-efforts/>