



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 1062
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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 Judiciary Committee to report favorably on House Bill 1062.

House Bill 1062 – Revenge Porn – Digitally Altered Images – Criminal and Civil Remedies

This bill, similar to HB 145 heard earlier this session, is 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. Importantly, this bill also provides a civil remedy for survivors.

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. The statute was carefully crafted to balance constitutional protections for free speech and the need to prohibit harmful conduct.

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 even financial harm.

House Bill 1062 updates the criminal law to address new technology. We note that there have been discussions of adding a statutory definition of “deep fakes” or additional language clarifying that the image is indistinguishable from an actual person, and defer to the Committee regarding this.

House Bill 1062 also provides survivors with the ability to seek civil remedies. MCASA strongly supports this language because it helps put control into the hands of survivors. These provisions include both damages and injunctive relief so that courts can, for example, order that images be taken down or that an offender disclose where images are stored. Attorneys fees are also provided for and this will help survivors access the courts.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 1062**