

February 24, 2025

Dear Honorable Senators,

My name is Brooke Burns and I am currently an 18-year-old student at Linganore High School in Frederick, MD. I am submitting this letter to register strong support for **SB0905-Criminal Law – Identity Fraud – Artificial Intelligence and Deepfake Representations** with amendments. This legislation will provide sorely needed additional protection, however, it only covers actions knowingly, willfully, and with fraudulent intent. It **does not include reckless disregard that the artificial intelligence and deepfake representations will be used to harm victims.**

This legislation would not provide protection to me in a situation I recently encountered where a **male classmate of mine created graphic sexually explicit social media accounts impersonating me and many other high school girls (all minors).** He used pictures of us along with nude pictures of unknown women with the intent of implying that it was us. He confessed to the Frederick County police that he created these pornographic social media accounts, as well as, emails, etc. using the names/likeness of the girls. **Incredibly, the Maryland State's Attorney said that what he did does not constitute a crime under the current laws of Maryland!**

The best the State's Attorney could do was to attempt to charge him for identity theft, however, after being challenged by the perpetrator's attorney, she had to withdraw those charges. She stated that the current laws of Maryland require someone who is charged with identity theft to have received financial benefit from the identity theft. Unfortunately, the State's Attorney did not identify a financial benefit to the perpetrator. She said that federal law allows for non-monetary benefit in charging for identity theft but not Maryland law.

What this person did would not be covered under the current proposal for SB0905 because he didn't do this with the intent to harm me or the other girls. However, he should have known what he did would likely cause harm to us because these false images were out on the web for anyone to find. Without adding a reckless disregard component to SB0905, he could not be held accountable under SB0905 while me and the other girls would have images representing us on the web that could severely harm us in our future. In addition, we are left to cover the costs to attempt to remove these false images of us online and not the perpetrator!

Maryland enacted Grace's Law in October 2023. This law prohibits a person from using electronic communication that alarms or seriously annoys someone 1) with the intent to harass, alarm or annoy the other person, 2) after receiving a reasonable warning or request to stop and 3) without a legal purpose. However, in our case, the State's Attorney indicated that she could not find evidence that these accounts were set up with the intent to harass, alarm or annoy the girls. Therefore, Grace's Law does not apply to the atrocious acts the perpetrator committed in our case. Per the Frederick County detective, the perpetrator admitted to setting up these social media accounts in order to pose as underage girls to attempt to get adult males to contact him for his sexual gratification.

I and the other girls have explicit sexual social medial accounts bearing our name and pictures that we had no part in creating. Furthermore, these accounts may never be fully erased from our online presence. This could have a significant impact on us in the future when applying for colleges, employment opportunities, etc. if someone finds this information online. It is outlandish that we have to suffer all of this while the perpetrator cannot currently be charged for any crimes in Maryland related to the things he did to us!

Below is a more detailed discussion of the events and impact the perpetrator's actions have had on me and the other girls. I am hoping that after you read this, you will get a better feel for the extent of his actions.

When this all started for me, I was a 16 – year old high school student living in Frederick County, MD. I am a victim of cybercrime that has profoundly impacted my psychological well-being, social life, and academic performance. It has also created an explicit and pornographic digital footprint that is virtually impossible to eliminate. I am shocked that our current laws did not protect me.

On December 5, 2023, Frederick City Detectives from the Cyber Crime Unit came to my house because they received a tip from the National Center of Missing and Exploited Children that a sexually explicit account on X (Twitter) was created that contained pornographic (nude) pictures of me. At the time, the detectives indicated that one of my friends also had a similar online profile on X. Subsequent to that date, a total of seven people had sites created by the perpetrator (six minors and one male adult). In total, seventeen minor girls had pictures included on these social media sites created by the perpetrator.

The trauma started that night. I was terrified, angry, and scared for my physical safety. At that time, the fear around the unknown of who did this, why and if it was a person that was stalking me and may come to our house was all consuming. I asked my dad to double-check to make sure all the doors were locked and the alarm was set and I was afraid to sleep alone in my own bedroom.

A few days later, the Frederick County sheriff's department identified that the IP address for the fake X account belonged to a student who is in my second period class. We started scouring the internet and found many accounts and more victims, many of which are my close friends. To date fifteen accounts have been identified to impersonate me and over eighty accounts and counting for all the victims related to the case. It is difficult to explain the graphic nature and the egregiousness of these sites. These sites contain explicit content, specifically marketing me and others as underage. The sites show my picture and engage with users to respond to sexually explicit questions.

Some of the sites entice followers to interact with us including asking for them to email to get nude pictures. The accounts and postings have lewd and suggestive comments posted by hundreds of unknown online users. The sites have links to other accounts that say things like – “to see my dirty little secrets click here”. And this is benign to many of the statements. One site of a victim had 750,000 views and was averaging 99,000 more views per month.

My parents worked with the Frederick County School Board and the perpetrator was removed from my school. Even with him out of my school, this crime destroyed my sense of security. They have

caused me to miss school and change my social behavior. I did not want to interact with him in the community and am afraid that he will continue to create false and harmful content about me.

I do not fully know how this will follow me throughout my life. I have even had someone who viewed the fraudulent sites reach out to me on my personal account. This is terrifying! Will more users participating in these fraudulent sites reach out to me? Will colleges or future employers look at this online presence and make adverse decisions about me?

I did nothing wrong! I did not take or post any inappropriate pictures of myself. The impact of this perpetrator's actions has been devastating to my family. In addition to the emotional trauma caused, my parents have also had to spend a significant amount of time and money to try to identify and attempt to take down as many fraudulent accounts as possible. To date, only a few of the sites have been taken down. They knew we would be unable to find all the fraudulent accounts so they hired a cyber forensics company to scrub the internet and locate as many sites as they could. The cyber forensics expert told us that the number of sites is egregious and that they think it would be naïve to expect that they will be able to identify and erase all the digital footprint. This **will** continue to follow me as the digital footprint is impossible to get rid of.

My parents expect to continue to incur significant legal fees to help force the online providers to close these accounts, to continue to work with the forensics company to identify the sites – as their expert opinion is that more work will be needed over the upcoming years especially to identify and close fraudulent accounts.

My parents and I are sickened that the laws do not adequately address the damage to my life and our lives.

As mentioned above, we have worked with the State's Attorney's Office and this perpetrator was not found guilty of breaking a law for his actions in this case. How is this possible? Someone for their own personal gain – created false accounts, impersonated me online with sexually explicit pictures, for the purpose of engaging with men that wanted to interact with minor girls.

In conclusion, I am requesting that you support the passing of SB0905 with amendments to also include a component for the reckless disregard for the risk that the artificial intelligence and deepfake representations would harm the victims.

I would like to take this devastating situation and know that I made a difference in helping to protect other teenagers from similar experiences.

I would appreciate the opportunity to answer your questions. My parent's email is abnburns@comcast.net and Ann Burns (my mom's) cell number is 410-707-3022.

Thank you for your time and consideration.

Sincerely,

Brooke E. Burns

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