

SB0221: Criminal Law - Child Pornography - Prohibitions and Penalties: Please vote to SUPPORT this bill WITH AMENDMENTS!!

Dear Judicial Proceedings Committee Chair and Members of the Committee,

I respectfully **support SB 221 – Criminal Law: Child Pornography – Prohibitions and Penalties, with TWO important exceptions** regarding the provision that references “*prohibiting a person from possessing more than 100 images*” of child pornography and “*a person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment **NOT EXCEEDING 10 YEARS.***”

First, I am concerned with the language stating that a person may not violate certain sections of the statute “**with 100 or more images**” of child pornography. Second, I object to the provision that “**a person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years.**”

SB 221 appropriately strengthens Maryland law to protect children from exploitation and abuse. Child pornography is not a victimless crime. **Each image** represents the real and lasting harm inflicted on a child, and the continued possession, distribution, or production of such material perpetuates that harm. **Strong prohibitions and meaningful penalties are essential** to deter offenders, hold them accountable, and **affirm Maryland’s commitment to protecting children.**

The bill’s overall intent is sound and necessary. These measures support law enforcement, prosecutors, and victims by ensuring Maryland law keeps pace with evolving technology and exploitation methods.

However, the specific language prohibiting possession of “**more than 100 images**” is deeply concerning. This **numerical threshold risks sending the wrong message**—that possessing fewer than 100 images is somehow less serious or less harmful, should even be allowed or is acceptable. **Even a single image constitutes abuse and exploitation of a child** and should be treated accordingly under the law.

Creating an image-count threshold may also **complicate prosecutions**, introduce arbitrary distinctions, and undermine the moral clarity that any possession of child sexual abuse material is unacceptable. **Justice and deterrence** are best served by focusing on the act of possession itself, rather than attaching significance to an arbitrary number.

Additionally, the provision limiting punishment to **imprisonment not exceeding 10 years** may unduly restrict judicial discretion in cases involving particularly egregious conduct, repeat offenders, or aggravating circumstances. Sentencing should allow courts sufficient flexibility to impose penalties that reflect the severity of the crime and the harm inflicted on victims, rather than imposing a rigid statutory ceiling.

For these reasons, I strongly support SB 221’s **intent** and substance **provided that the image-count threshold and the sentencing cap language is removed to ensure that**

Maryland law reflects the seriousness of all child exploitation offenses—without numerical qualifiers that could weaken enforcement or accountability.

Thank you for your time and thoughtful consideration of this critically important legislation.

Sincerely,
Trudy Tibbals