

# HOUSE BILL 663

D3  
HB 1062/24 – JUD

5lr2381

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By: **Delegates Lopez, Allen, and Kaufman**  
Introduced and read first time: January 24, 2025  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Sexual Deepfake Representations and Revenge Porn**

3 FOR the purpose of authorizing a person to bring and maintain a civil action for defamation  
4 against another person who distributes a computer-generated visual representation  
5 that is indistinguishable from an actual visual representation of the person and  
6 falsely depicts the person with his or her intimate parts exposed or engaged in sexual  
7 activity; clarifying what constitutes a visual representation for a certain prohibition  
8 against distributing a certain visual representation in a certain manner; authorizing  
9 an individual to bring a civil action for revenge porn; and generally relating to  
10 deepfake representations, defamation, and revenge porn.

11 BY adding to  
12 Article – Courts and Judicial Proceedings  
13 Section 3–505  
14 Annotated Code of Maryland  
15 (2020 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Criminal Law  
18 Section 3–809  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2024 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That the Laws of Maryland read as follows:

23 **Article – Courts and Judicial Proceedings**

24 **3–505.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3 (2) "DISTRIBUTE" HAS THE MEANING STATED IN § 3-809 OF THE  
4 CRIMINAL LAW ARTICLE.

5 (3) (I) "INDISTINGUISHABLE FROM AN ACTUAL VISUAL  
6 REPRESENTATION OF THE PERSON" MEANS THAT AN ORDINARY PERSON WOULD  
7 CONCLUDE THAT THE VISUAL REPRESENTATION IS AN ACTUAL VISUAL  
8 REPRESENTATION OF THE PERSON.

9 (II) "INDISTINGUISHABLE FROM AN ACTUAL VISUAL  
10 REPRESENTATION OF THE PERSON" INCLUDES A COMPUTER-GENERATED VISUAL  
11 REPRESENTATION THAT HAS BEEN CREATED, ADAPTED, OR MODIFIED TO APPEAR  
12 GENUINE.

13 (III) "INDISTINGUISHABLE FROM AN ACTUAL VISUAL  
14 REPRESENTATION OF THE PERSON" DOES NOT INCLUDE IMAGES OR ITEMS  
15 DEPICTING A PERSON THAT ARE:

- 16 1. DRAWINGS;
- 17 2. CARTOONS;
- 18 3. SCULPTURES; OR
- 19 4. PAINTINGS.

20 (4) "INTIMATE PARTS" HAS THE MEANING STATED IN § 3-809 OF THE  
21 CRIMINAL LAW ARTICLE.

22 (5) "SEXUAL ACTIVITY" HAS THE MEANING STATED IN § 3-809 OF THE  
23 CRIMINAL LAW ARTICLE.

24 (B) A PERSON MAY BRING AND MAINTAIN A CIVIL ACTION FOR DEFAMATION  
25 PER SE AGAINST ANOTHER PERSON WHO DISTRIBUTES A COMPUTER-GENERATED  
26 VISUAL REPRESENTATION THAT IS INDISTINGUISHABLE FROM AN ACTUAL VISUAL  
27 REPRESENTATION OF THE PERSON AND FALSELY DEPICTS THE PERSON WITH HIS OR  
28 HER INTIMATE PARTS EXPOSED OR ENGAGED IN SEXUAL ACTIVITY.

29 (C) THE COURT MAY AWARD A PREVAILING PLAINTIFF IN AN ACTION UNDER  
30 THIS SECTION:

- 31 (1) PUNITIVE DAMAGES;

1           **(2) ATTORNEY’S FEES; AND**

2           **(3) INJUNCTIVE RELIEF FROM ALL PARTIES INVOLVED IN THE**  
3 **VIOLATION OF THIS SECTION.**

4   **Article – Criminal Law**

5    3–809.

6           (a)   (1)   In this section the following words have the meanings indicated.

7                   (2)   “Distribute” means to give, sell, transfer, disseminate, publish, upload,  
8 circulate, broadcast, make available, allow access to, or engage in any other form of  
9 transmission, electronic or otherwise.

10                   (3)   “Harm” means:

11                               (i)   physical injury;

12                               (ii)   serious emotional distress; or

13                               (iii)   economic damages.

14                   (4)   “Intimate parts” means the naked genitals, pubic area, buttocks, or  
15 female nipple.

16                   (5)   “Sexual activity” means:

17                               (i)   sexual intercourse, including genital–genital, oral–genital,  
18 anal–genital, or oral–anal;

19                               (ii)   masturbation; or

20                               (iii)   sadomasochistic abuse.

21                   **(6) “VISUAL REPRESENTATION” INCLUDES A PHOTOGRAPH, A FILM,**  
22 **A VIDEO, A DIGITAL IMAGE, A PICTURE, OR A COMPUTER–GENERATED IMAGE OR**  
23 **PICTURE, WHETHER MADE OR PRODUCED BY ELECTRONIC, MECHANICAL, OR OTHER**  
24 **MEANS.**

25           (b)   (1)   This sections does not apply to:

26                               (i)   lawful and common practices of law enforcement, the reporting  
27 of unlawful conduct, or legal proceedings; or

1 (ii) situations involving voluntary exposure in public or commercial  
2 settings.

3 (2) An interactive computer service, as defined in 47 U.S.C. § 230(f)(2), is  
4 not liable under this section for content provided by another person.

5 (c) A person may not knowingly distribute a visual representation of another  
6 identifiable person that displays the other person with his or her intimate parts exposed or  
7 while engaged in an act of sexual activity:

8 (1) with the intent to harm, harass, intimidate, threaten, or coerce the  
9 other person;

10 (2) (i) under circumstances in which the person knew that the other  
11 person did not consent to the distribution; or

12 (ii) with reckless disregard as to whether the person consented to the  
13 distribution; and

14 (3) under circumstances in which the other person had a reasonable  
15 expectation that the image would remain private.

16 (d) A person who violates this section is guilty of a misdemeanor and on conviction  
17 is subject to imprisonment not exceeding 2 years or a fine not exceeding \$5,000 or both.

18 (e) A person who violates this section is subject to § 5–106(b) of the Courts Article.

19 (f) **(1) A PERSON WHOSE VISUAL REPRESENTATION WAS DISTRIBUTED**  
20 **IN VIOLATION OF THIS SECTION HAS A CIVIL CAUSE OF ACTION AGAINST ANY PERSON**  
21 **WHO DISTRIBUTED THE VISUAL REPRESENTATION.**

22 **(2) IN AN ACTION UNDER THIS SUBSECTION, THE COURT MAY AWARD**  
23 **ACTUAL DAMAGES AND REASONABLE ATTORNEY’S FEES.**

24 **(G)** A visual representation of a victim that is part of a court record for a case  
25 arising [from a prosecution] under this section:

26 (1) subject to item (2) of this subsection, may not be made available for  
27 public inspection; and

28 (2) except as otherwise ordered by the court, may only be made available  
29 for inspection in relation to a criminal charge **OR CIVIL ACTION** under this section to:

30 (i) court personnel;

31 (ii) a jury in a criminal case brought under this section;

- 1 (iii) the State's Attorney or the State's Attorney's designee;
- 2 (iv) the Attorney General or the Attorney General's designee;
- 3 (v) a law enforcement officer;
- 4 (vi) **THE PLAINTIFF OR THE PLAINTIFF'S ATTORNEY;**
- 5 **(VII)** the defendant or the defendant's attorney; or
- 6 **[(vii)] (VIII)** the victim or the victim's attorney.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2025.