

# HOUSE BILL 803

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HB 145/24 – JUD

5lr2677

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By: **Delegates Pippy, Bouchat, Buckel, Lopez, Simpson, Tomlinson, and Valentine**  
Introduced and read first time: January 29, 2025  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Revenge Porn – Computer–Generated Visual Representation**

3 FOR the purpose of prohibiting a person from knowingly distributing a certain  
4 computer–generated visual representation of another under certain circumstances;  
5 and generally relating to computer–generated visual representations and revenge  
6 porn.

7 BY repealing and reenacting, with amendments,  
8 Article – Criminal Law  
9 Section 3–809  
10 Annotated Code of Maryland  
11 (2021 Replacement Volume and 2024 Supplement)

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

14 **Article – Criminal Law**

15 3–809.

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

17 (2) **“COMPUTER–GENERATED VISUAL REPRESENTATION” INCLUDES:**

18 **(I) A VISUAL REPRESENTATION CREATED WITHOUT USING**  
19 **OTHER EXISTING VISUAL REPRESENTATIONS OF A PERSON; AND**

20 **(II) A VISUAL REPRESENTATION CREATED USING OTHER**  
21 **EXISTING VISUAL REPRESENTATIONS OF A PERSON WITHOUT THE PERSON’S**  
22 **CONSENT.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4           **[(3)] (4)** “Harm” means:

- 5                   (i) physical injury;
- 6                   (ii) serious emotional distress; or
- 7                   (iii) economic damages.

8           **(5) (I)** “**INDISTINGUISHABLE FROM ANOTHER ACTUAL AND**  
9 **IDENTIFIABLE PERSON**” MEANS THAT AN ORDINARY PERSON WOULD CONCLUDE  
10 **THAT THE VISUAL REPRESENTATION IS OF AN ACTUAL AND IDENTIFIABLE PERSON.**

11                   **(II)** “**INDISTINGUISHABLE FROM ANOTHER ACTUAL AND**  
12 **IDENTIFIABLE PERSON**” INCLUDES A COMPUTER-GENERATED VISUAL  
13 **REPRESENTATION THAT HAS BEEN CREATED, ADAPTED, OR MODIFIED TO APPEAR**  
14 **AS AN ACTUAL AND IDENTIFIABLE PERSON.**

15                   **(III)** “**INDISTINGUISHABLE FROM ANOTHER ACTUAL AND**  
16 **IDENTIFIABLE PERSON**” DOES NOT INCLUDE VISUAL REPRESENTATIONS OR ITEMS  
17 **DEPICTING A PERSON THAT ARE:**

- 18                           1. DRAWINGS;
- 19                           2. CARTOONS;
- 20                           3. SCULPTURES; OR
- 21                           4. PAINTINGS.

22           **[(4)] (6)** “Intimate parts” means the naked genitals, pubic area, buttocks,  
23 or female nipple.

24           **[(5)] (7)** “Sexual activity” means:

- 25                   (i) sexual intercourse, including genital-genital, oral-genital,  
26 anal-genital, or oral-anal;
- 27                   (ii) masturbation; or
- 28                   (iii) sadomasochistic abuse.

1 (b) (1) This section does not apply to:

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

4 (ii) situations involving voluntary exposure in public or commercial  
5 settings.

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

8 (c) (1) A person may not knowingly distribute a visual representation of  
9 another identifiable person that displays the other person with his or her intimate parts  
10 exposed or while engaged in an act of sexual activity:

11 [(1)] (I) with the intent to harm, harass, intimidate, threaten, or coerce  
12 the other person;

13 [(2) (i)] (II) 1. under circumstances in which the person knew that  
14 the other person did not consent to the distribution; or

15 [(ii)] 2. with reckless disregard as to whether the person  
16 consented to the distribution; and

17 [(3)] (III) under circumstances in which the other person had a reasonable  
18 expectation that the image would remain private.

19 (2) A PERSON MAY NOT KNOWINGLY DISTRIBUTE A  
20 COMPUTER-GENERATED VISUAL REPRESENTATION THAT IS INDISTINGUISHABLE  
21 FROM ANOTHER ACTUAL AND IDENTIFIABLE PERSON THAT DISPLAYS THE OTHER  
22 PERSON WITH HIS OR HER INTIMATE PARTS EXPOSED OR WHILE ENGAGED IN AN ACT  
23 OF SEXUAL ACTIVITY:

24 (I) WITH THE INTENT TO HARM, HARASS, INTIMIDATE,  
25 THREATEN, OR COERCE THE OTHER PERSON; AND

26 (II) 1. UNDER CIRCUMSTANCES IN WHICH THE PERSON  
27 KNEW THAT THE OTHER PERSON DID NOT CONSENT TO THE DISTRIBUTION; OR

28 2. WITH RECKLESS DISREGARD AS TO WHETHER THE  
29 PERSON CONSENTED TO THE DISTRIBUTION.

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

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

2 (f) A visual representation **AND A COMPUTER-GENERATED VISUAL**  
3 **REPRESENTATION** of a victim that is part of a court record for a case arising from a  
4 prosecution under this section:

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

7 (2) except as otherwise ordered by the court, may only be made available  
8 for inspection in relation to a criminal charge under this section to:

9 (i) court personnel;

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

11 (iii) the State's Attorney or the State's Attorney's designee;

12 (iv) the Attorney General or the Attorney General's designee;

13 (v) a law enforcement officer;

14 (vi) the defendant or the defendant's attorney; or

15 (vii) the victim or the victim's attorney.

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