

HOUSE BILL 1248

E1, I3

5lr2398

By: **Delegates Woorman, Acevero, Embry, Grammer, Guyton, Kaufman, Martinez, McComas, and Wims**

Introduced and read first time: February 7, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Revenge Pornography and Intimate Visual Depictions – Prohibition and**
3 **Removal**

4 FOR the purpose of requiring certain online platforms to establish a process for an
5 individual, or an individual’s representative, to provide certain notice of and request
6 the disabling of access to or removal of certain visual depictions; requiring a certain
7 online platform to take certain actions after receiving a notice and request under this
8 Act and to establish certain data logging requirements; altering the prohibition
9 against revenge pornography; and generally relating to revenge pornography and
10 intimate visual depictions.

11 BY adding to

12 Article – Commercial Law

13 Section 13–321

14 Annotated Code of Maryland

15 (2013 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 – Commercial Law**

24 **13–321.**

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) (I) “COVERED PLATFORM” MEANS A PUBLIC-FACING WEBSITE**
4 **OR DIGITAL APPLICATION THAT:**

5 **1. PRIMARILY PROVIDES A FORUM FOR USERS OF THE**
6 **PLATFORM TO ACCESS USER-GENERATED CONTENT, INCLUDING MESSAGES,**
7 **VIDEOS, IMAGES, GAMES, AND AUDIO FILES; AND**

8 **2. HAS AT LEAST 100,000 UNIQUE MONTHLY ACTIVE**
9 **USERS IN THE UNITED STATES.**

10 **(II) “COVERED PLATFORM” DOES NOT INCLUDE:**

11 **1. A PROVIDER OF BROADBAND INTERNET ACCESS**
12 **SERVICE;**

13 **2. A PROVIDER OF ELECTRONIC MAIL; OR**

14 **3. A PUBLIC-FACING WEBSITE OR DIGITAL**
15 **APPLICATION THAT CONSISTS PRIMARILY OF CONTENT THAT IS NOT USER**
16 **GENERATED.**

17 **(3) “INTIMATE PARTS” HAS THE MEANING STATED IN § 3-809 OF THE**
18 **CRIMINAL LAW ARTICLE.**

19 **(4) “INTIMATE VISUAL DEPICTION” MEANS A VISUAL**
20 **REPRESENTATION OF AN IDENTIFIABLE PERSON, OR A COMPUTER-GENERATED**
21 **VISUAL REPRESENTATION THAT APPEARS TO BE OF AN ACTUAL AND IDENTIFIABLE**
22 **PERSON, THAT DISPLAYS THE PERSON WITH INTIMATE PARTS EXPOSED OR WHILE**
23 **ENGAGED IN SEXUAL ACTIVITY.**

24 **(5) “SEXUAL ACTIVITY” HAS THE MEANING STATED IN § 3-809 OF THE**
25 **CRIMINAL LAW ARTICLE.**

26 **(B) (1) ON OR BEFORE OCTOBER 1, 2026, A COVERED PLATFORM SHALL**
27 **ESTABLISH AND MAINTAIN A PROCESS FOR AN INDIVIDUAL, OR AN INDIVIDUAL’S**
28 **REPRESENTATIVE, TO:**

1 **(I) NOTIFY THE COVERED PLATFORM THAT THE COVERED**
2 **PLATFORM IS ALLOWING ACCESS TO OR OTHERWISE DISPLAYING AN INTIMATE**
3 **VISUAL DEPICTION OF THE INDIVIDUAL WITHOUT THE INDIVIDUAL’S CONSENT; AND**

4 **(II) SUBMIT A REQUEST THAT THE COVERED PLATFORM:**

5 **1. DISABLE ACCESS TO OR REMOVE THE INTIMATE**
6 **VISUAL DEPICTION;**

7 **2. IDENTIFY AND DISABLE ACCESS TO OR REMOVE ANY**
8 **COPIES OF THE INTIMATE VISUAL DEPICTION; AND**

9 **3. PREVENT NEW COPIES OF THE INTIMATE VISUAL**
10 **DEPICTION FROM BEING ACCESSED OR DISPLAYED BY THE COVERED PLATFORM.**

11 **(2) A NOTIFICATION AND REQUEST FOR REMOVAL OF AN INTIMATE**
12 **VISUAL DEPICTION SUBMITTED USING THE PROCESS ESTABLISHED UNDER**
13 **PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE, IN WRITING:**

14 **(I) A PHYSICAL OR ELECTRONIC SIGNATURE OF THE**
15 **INDIVIDUAL OR THE INDIVIDUAL’S REPRESENTATIVE;**

16 **(II) AN IDENTIFICATION OF THE INTIMATE VISUAL DEPICTION**
17 **OF THE INDIVIDUAL;**

18 **(III) A BRIEF STATEMENT THAT THE INDIVIDUAL HAS A GOOD**
19 **FAITH BELIEF THAT THE INTIMATE VISUAL DEPICTION HAS BEEN MADE AVAILABLE**
20 **FOR ACCESS OR OTHERWISE DISPLAYED WITHOUT THE INDIVIDUAL’S CONSENT; AND**

21 **(IV) ANY RELEVANT INFORMATION TO ASSIST THE COVERED**
22 **PLATFORM TO DETERMINE WHETHER THE INTIMATE VISUAL DEPICTION HAS BEEN**
23 **MADE AVAILABLE FOR ACCESS OR OTHERWISE DISPLAYED WITHOUT THE**
24 **INDIVIDUAL’S CONSENT.**

25 **(C) A COVERED PLATFORM SHALL PROVIDE A CLEAR AND CONSPICUOUS**
26 **NOTICE OF THE PROCESS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION**
27 **THAT IS ACCESSIBLE BY THE PUBLIC THROUGH THE INTERNET.**

28 **(D) ON RECEIPT OF A REQUEST MADE USING THE PROCESS ESTABLISHED**
29 **UNDER SUBSECTION (B) OF THIS SECTION, A COVERED PLATFORM SHALL COMPLY**
30 **WITH THE REQUEST AS SOON AS POSSIBLE, BUT NOT LATER THAN 48 HOURS AFTER**
31 **RECEIVING THE REQUEST.**

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

10 **[(5)] (6)** “Sexual activity” means:

- 11 (i) sexual intercourse, including genital–genital, oral–genital,
12 anal–genital, or oral–anal;
- 13 (ii) masturbation; or
- 14 (iii) sadomasochistic abuse.

15 **(7) “VISUAL REPRESENTATION OF ANOTHER IDENTIFIABLE PERSON”**
16 **INCLUDES A COMPUTER–GENERATED VISUAL REPRESENTATION THAT APPEARS TO**
17 **BE OF AN ACTUAL AND IDENTIFIABLE PERSON.**

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

- 19 (i) lawful and common practices of law enforcement, the reporting
20 of unlawful conduct, or legal proceedings; or
- 21 (ii) situations involving voluntary exposure in public or commercial
22 settings.

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

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

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

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

3 (ii) with reckless disregard as to whether the person consented to the
4 distribution; and

5 (3) **IF THE VISUAL REPRESENTATION WAS CREATED OR GENERATED**
6 **WITH PERMISSION FROM THE OTHER PERSON**, under circumstances in which the
7 [other] person **KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE OTHER**
8 **PERSON** had a reasonable expectation that the image would remain private.

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

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

12 (f) A visual representation, **INCLUDING A COMPUTER–GENERATED VISUAL**
13 **REPRESENTATION**, of a victim that is part of a court record for a case arising from a
14 prosecution under this section:

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

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

19 (i) court personnel;

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

21 (iii) the State’s Attorney or the State’s Attorney’s designee;

22 (iv) the Attorney General or the Attorney General’s designee;

23 (v) a law enforcement officer;

24 (vi) the defendant or the defendant’s attorney; or

25 (vii) the victim or the victim’s attorney.

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