

SENATE BILL 362

E1

5lr1240
CF 5lr3287

By: **Senators Hester and Hettleman**

Introduced and read first time: January 17, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Forged Digital Likenesses – Distribution – Prohibition**

3 FOR the purpose of providing that the distribution of a certain forged digital likeness to
4 another constitutes a statement or communication for the purpose of an action for
5 defamation; prohibiting a person from knowingly distributing a certain forged digital
6 likeness under certain circumstances; and generally relating to forged digital
7 likenesses.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 3–505

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2024 Supplement)

13 BY adding to

14 Article – Criminal Law

15 Section 8–906

16 Annotated Code of Maryland

17 (2021 Replacement Volume and 2024 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 **3–505.**

22 **(A) IN THIS SECTION, “FORGED DIGITAL LIKENESS” HAS THE MEANING**
23 **STATED IN § 8–906 OF THE CRIMINAL LAW ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) KNOWS OR REASONABLY SHOULD KNOW THE FORGED DIGITAL**
2 **LIKENESS IS NOT A GENUINE VISUAL REPRESENTATION OR AUDIO RECORDING.**

3 **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
4 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A**
5 **FINE NOT EXCEEDING \$1,000 OR BOTH.**

6 **(E) IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER THIS**
7 **SECTION THAT THE DEFENDANT TOOK REASONABLE ACTION TO PLACE VIEWERS OR**
8 **LISTENERS OF THE FORGED DIGITAL LIKENESS ON NOTICE THAT THE FORGED**
9 **DIGITAL LIKENESS WAS NOT GENUINE.**

10 **(F) THIS SECTION MAY NOT BE CONSTRUED IN A MANNER THAT INFRINGES**
11 **ON THE RIGHT TO FREE SPEECH OR OF THE PRESS AS GUARANTEED BY THE FIRST**
12 **AMENDMENT OF THE UNITED STATES CONSTITUTION OR THE MARYLAND**
13 **DECLARATION OF RIGHTS.**

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