

HB0145/503523/1

BY: Government, Labor, and Elections Committee

AMENDMENT TO HOUSE BILL 145
(First Reading File Bill)

On page 1, in the sponsor line, strike “**Delegate Feldmark**” and substitute “**Delegates Feldmark, Fair, Lehman, Ruth, and Terrasa**”; and in line 4, after “requiring” insert “and authorizing”.

On page 2, in line 13, after “**(1)**” insert “**(I)**”; in lines 17 and 23, strike “**(I)**” and “**(III)**”, respectively, and substitute “**1.**” and “**3.**”, respectively; in line 20, strike “**(II)**” and substitute “**2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,**”; in the same line, after “INJUNCTION” insert “**IN ACCORDANCE WITH THE MARYLAND RULES**”; in line 23, after “SUBPOENA” insert “**IN ACCORDANCE WITH THE FEDERAL STORED COMMUNICATIONS ACT, IF APPLICABLE,**”; after line 26, insert:

“(II) THE STATE ADMINISTRATOR MAY NOT SEEK AN INJUNCTION UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH AGAINST AN INTERACTIVE COMPUTER SERVICE, AS DEFINED IN 47 U.S.C. § 230, FOR THE REMOVAL OF CONTENT DISSEMINATED BY AN ANOTHER PERSON THROUGH THE INTERACTIVE COMPUTER SERVICE.”;

in line 27, after “**(2)**” insert “**(I) THE STATE BOARD MAY NOT FILE A CIVIL ACTION UNDER THIS PARAGRAPH AGAINST A PERSON:**

- 1. EXEMPT FROM THE REQUIREMENTS OF § 16-905 OF THIS ARTICLE; OR**
- 2. WHO SEEKS TO DETECT, REPORT, PREVENT, INVESTIGATE, RESPOND TO, OR PROSECUTE PERSONS RESPONSIBLE FOR**

SECURITY BREACHES, IDENTITY THEFT, FRAUD, HARASSMENT, OR OTHER MALICIOUS OR ILLEGAL ACTIVITY.

(II)”;

in line 31, strike “(I)” and substitute “1.”; and strike beginning with “ENTITY” in line 31 down through “DISINFORMATION” in line 32 and substitute “PERSON CREATED, USED, OR DISSEMINATED:

A. ELECTION DISINFORMATION; OR

B. WITH RECKLESS DISREGARD, ELECTION MISINFORMATION”.

On page 3, in line 1, strike “(II)” and substitute “2.”; in line 5, strike “(2)” and substitute “(2)(II)”; after line 6, insert:

“(4) A COURT MAY AWARD DAMAGES, COURT COSTS, OR ATTORNEY’S FEES IN A CIVIL ACTION FILED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION ONLY BASED ON A SHOWING BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSON, CAMPAIGN, POLITICAL ACTION COMMITTEE, OR OTHER LEGAL ENTITY CREATED, USED, OR DISSEMINATED:

(I) ELECTION DISINFORMATION; OR

(II) WITH RECKLESS DISREGARD, ELECTION MISINFORMATION”;

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in line 21, after “PRODUCER,” insert “OR AN AFFILIATE OF THE RADIO OR TELEVISION BROADCASTING STATION,”; in line 26, strike the colon; and in line 27, strike “1.”;

On pages 3 and 4, strike beginning with “AND” in line 29 on page 3 down through “MEDIA;” in line 2 on page 4.

On page 4, in line 3, strike the colon; in line 4, strike “1.”; strike beginning with “AND” in line 4 down through “DEEPFAKE;” in line 6; strike beginning with “IF” in line 11 down through “CANDIDATE” in line 13; after line 13, insert:

“(C) THE FOLLOWING PERSONS MAY NOT BE FOUND TO HAVE VIOLATED THIS SECTION SOLELY BECAUSE THE PERSON’S SERVICES OR FACILITIES ARE USED BY ANOTHER PERSON TO DISSEMINATE A DEEPFAKE IN VIOLATION OF THIS SECTION:

(1) AN INTERACTIVE COMPUTER SERVICE, AS DEFINED IN 47 U.S.C. § 230;

(2) AN INTERNET SERVICE PROVIDER;

(3) A CLOUD SERVICE PROVIDER;

(4) A STREAMING SERVICE PROVIDER; OR

(5) A TELECOMMUNICATIONS NETWORK.”;

in line 14, strike “(C)” and substitute “(D)”;

in the same line, strike “USE” and substitute “CREATE, USE,”; in line 15, after “IF” insert “:

(1);

(Over)

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in lines 17, 19, and 22, strike “**(1)**”, “**(2)**”, and “**(3)**”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively; in line 21, strike “**OR**”; in line 23, after “**BALLOT**” insert “**;OR**”

(IV) INFLUENCE OR ATTEMPT TO INFLUENCE A VOTER’S DECISION WHETHER TO VOTE FOR OR AGAINST A CANDIDATE OR BALLOT ISSUE; AND

(2) THE CREATION, USE, OR DISSEMINATION OF THE DEEPPFAKE RESULTS, OR HAS THE INTENT TO RESULT, IN HARM TO A VOTER, POTENTIAL VOTER, OR PETITION”;

in line 24, strike “**(D)**” and substitute “**(E)**”; and in the same line, strike “**(C)**” and substitute “**(D)**”.