

# HOUSE BILL 924

D3, E1

6lr1319  
CF 6lr1881

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By: **Delegates Nkongolo, Alston, Arentz, Beauchamp, Buckel, Chisholm, Harrison, Hutchinson, McComas, Miller, Patterson, Rose, and Schmidt**

Introduced and read first time: February 5, 2026

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Exploitation Material – Civil and Criminal Actions**  
3 **(Safe Kids Act)**

4 FOR the purpose of prohibiting certain conduct relating to child pornography and unlawful  
5 child exploitation material; creating a certain civil action for a violation of certain  
6 provisions of this Act; authorizing the Attorney General to enforce certain provisions  
7 of this Act; defining “computer-generated image” in certain provisions relating to  
8 crimes involving child pornography to include an image created through the use of  
9 artificial intelligence software; increasing the requisite age of a child considered to  
10 be a victim of certain child pornography crimes; and generally relating to child  
11 pornography and unlawful child exploitation material.

12 BY adding to

13 Article – Courts and Judicial Proceedings  
14 Section 3–2701 through 3–2707 to be under the new subtitle “Subtitle 27. Civil  
15 Actions for Unlawful Child Exploitation Material”  
16 Annotated Code of Maryland  
17 (2020 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Criminal Law  
20 Section 11–203(a)(1) and (5)  
21 Annotated Code of Maryland  
22 (2021 Replacement Volume and 2025 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Criminal Law  
25 Section 11–208  
26 Annotated Code of Maryland  
27 (2021 Replacement Volume and 2025 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**Article – Courts and Judicial Proceedings**

**SUBTITLE 27. CIVIL ACTIONS FOR UNLAWFUL CHILD EXPLOITATION MATERIAL.**  
**3–2701.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
INDICATED.

(B) “CHILD PORNOGRAPHY” HAS THE MEANING STATED IN § 11–208.1 OF  
THE CRIMINAL LAW ARTICLE.

(C) “CHILD SEXUAL EXPLOITATION DEVICE OR IMAGE” MEANS AN  
ANATOMICALLY ACCURATE MANNEQUIN, ROBOT, DOLL, DEVICE, OR IMAGE WITH  
THE FEATURES OF OR FEATURES THAT RESEMBLE A MINOR INTENDED FOR USE IN  
SEXUAL ACTS.

(D) “INTERNET” HAS THE MEANING STATED IN § 14–3701 OF THE  
COMMERCIAL LAW ARTICLE.

(E) “OBSCENE” HAS THE MEANING STATED IN § 11–203 OF THE CRIMINAL  
LAW ARTICLE.

(F) “ONLINE PLATFORM” MEANS ANY PUBLIC-FACING WEBSITE, WEB  
APPLICATION, OR DIGITAL APPLICATION, INCLUDING A SOCIAL NETWORK OR AD  
NETWORK.

(G) “UNLAWFUL CHILD EXPLOITATION MATERIAL” MEANS CHILD  
PORNOGRAPHY, OBSCENE MATERIAL INVOLVING A MINOR, OR A CHILD SEXUAL  
EXPLOITATION DEVICE OR IMAGE.

**3–2702.**

THIS SUBTITLE DOES NOT APPLY TO AN INTERNET SERVICE PROVIDER OR ITS  
AFFILIATES OR SUBSIDIARIES, A SEARCH ENGINE, OR A CLOUD SERVICE PROVIDER  
TO THE EXTENT THAT THE ENTITY:

(1) IS SOLELY TRANSMITTING, ROUTING, STORING, OR PROVIDING  
CONNECTIONS FOR THE ELECTRONIC COMMUNICATIONS INITIATED BY OR AT THE  
DIRECTION OF ANOTHER PERSON; AND

(2) IS NOT RESPONSIBLE, IN WHOLE OR IN PART, FOR THE CREATION OR DEVELOPMENT OF UNLAWFUL CHILD EXPLOITATION MATERIAL.

**3-2703.**

(A) AN ONLINE PLATFORM MAY NOT KNOWINGLY AND INTENTIONALLY:

(1) ISSUE, SELL, DELIVER, DISTRIBUTE, TRANSFER, OR DISSEMINATE UNLAWFUL CHILD EXPLOITATION MATERIAL; OR

(2) CREATE OR DEVELOP, IN WHOLE OR IN PART, UNLAWFUL CHILD EXPLOITATION MATERIAL ON OR BY USING THE INTERNET.

(B) THE PARENT OR LEGAL GUARDIAN OF A MINOR WHO IS DEPICTED IN OR EXPOSED TO UNLAWFUL CHILD EXPLOITATION MATERIAL IN VIOLATION OF SUBSECTION (A) OF THIS SECTION MAY BRING AN ACTION AGAINST THE ONLINE PLATFORM THAT COMMITTED THE VIOLATION FOR:

(1) NOMINAL DAMAGES;

(2) ACTUAL DAMAGES;

(3) COURT COSTS;

(4) PUNITIVE DAMAGES; AND

(5) REASONABLE ATTORNEY'S FEES AND LITIGATION COSTS INCLUDING EXPERT WITNESS FEES AND COURT REPORTER FEES.

(C) THE ATTORNEY GENERAL MAY SEEK INJUNCTIVE RELIEF OR OTHER EQUITABLE RELIEF TO ENFORCE THIS SECTION.

(D) THE REMEDIES AVAILABLE UNDER THIS SECTION MAY BE AWARDED WITHOUT REGARD TO WHETHER THE CONDUCT GIVING RISE TO THE VIOLATION RESULTED IN A CRIMINAL CONVICTION.

**3-2704.**

(A) AN ONLINE PLATFORM FOUND TO BE IN VIOLATION OF THIS SUBTITLE SHALL BE HELD JOINTLY AND SEVERALLY LIABLE FOR THE VIOLATION.

(B) INDIVIDUAL CLAIMS BROUGHT UNDER THIS SUBTITLE THAT SATISFY APPLICABLE STANDARDS FOR JOINDER OR CLASS ACTION MAY BE COMBINED IN A SINGLE ACTION.

**3-2705.**

SOVEREIGN IMMUNITY IS NOT AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS SUBTITLE.

**3-2706.**

A PERSON MAY BRING AN ACTION UNDER THIS SUBTITLE AND RELIEF MAY BE GRANTED WITHOUT SEEKING OR EXHAUSTING AVAILABLE ADMINISTRATIVE REMEDIES.

**3-2707.**

THE REMEDIES PROVIDED IN THIS SUBTITLE ARE CUMULATIVE AND MAY NOT BE CONSTRUED AS RESTRICTING ANY OTHER REMEDY THAT IS AVAILABLE UNDER LAW.

#### Article – Criminal Law

11-203.

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

(5) “Obscene” means:

(i) that the average adult applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;

(ii) that the work depicts sexual conduct specified in subsection (b) of this section in a way that is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material; and

(iii) that the work, taken as a whole, lacks serious artistic, educational, literary, political, or scientific value.

11-208.

(a) (1) In this section[, “indistinguishable”] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1                   **(2) “COMPUTER-GENERATED IMAGE” INCLUDES AN IMAGE CREATED**  
2 **THROUGH THE USE OF ARTIFICIAL INTELLIGENCE SOFTWARE.**

3                   **(3) (I) “INDISTINGUISHABLE** from an actual and identifiable [child”]  
4 **MINOR”** means an ordinary person would conclude that the image is of an actual and  
5 identifiable minor.

6                   **[(2)] (II) “Indistinguishable** from an actual and identifiable [child”]  
7 **MINOR”** includes a computer-generated image that has been created, adapted, or modified  
8 to appear as an actual and identifiable [child] **MINOR.**

9                   **[(3)] (III) “Indistinguishable** from an actual and identifiable [child”]  
10 **MINOR”** does not include images or items depicting minors that are:

- 11                   **[(i)] 1.** drawings;  
12                   **[(ii)] 2.** cartoons;  
13                   **[(iii)] 3.** sculptures; or  
14                   **[(iv)] 4.** paintings.

15                   **(b) (1)** A person may not knowingly possess and intentionally retain a film,  
16 videotape, photograph, or other visual representation showing an actual [child] **MINOR** or  
17 a computer-generated image that is indistinguishable from an actual and identifiable  
18 [child under the age of 16 years] **MINOR:**

- 19                   **(i)** engaged as a subject of sadomasochistic abuse;  
20                   **(ii)** engaged in sexual conduct; or  
21                   **(iii)** in a state of sexual excitement.

22                   **(2)** A person may not knowingly or intentionally access and intentionally  
23 view a film, videotape, photograph, or other visual representation showing an actual [child]  
24 **MINOR** or a computer-generated image that is indistinguishable from an actual and  
25 identifiable [child under the age of 16 years] **MINOR:**

- 26                   **(i)** engaged as a subject of sadomasochistic abuse;  
27                   **(ii)** engaged in sexual conduct; or  
28                   **(iii)** in a state of sexual excitement.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$2,500 or both.

(2) A person who violates this section, having previously been convicted under this section, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(d) Nothing in this section may be construed to prohibit a parent from possessing visual representations of the parent's own child in the nude unless the visual representations show the child engaged:

(1) as a subject of sadomasochistic abuse; or

(2) in sexual conduct and in a state of sexual excitement.

(e) It is an affirmative defense to a charge of violating this section that the person promptly and in good faith:

(1) took reasonable steps to destroy each visual representation; or

(2) reported the matter to a law enforcement agency.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.