

HOUSE BILL 1294

E1, O4
HB 5/25 – JUD

6lr2780

By: **Delegate Wilson**

Introduced and read first time: February 12, 2026

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 1, 2026

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Child Sexual Abuse Material – Artificial Intelligence Software**

3 FOR the purpose of altering the term “child pornography” to be “child sexual abuse
4 material” for purposes of certain criminal offenses; defining “computer-generated
5 image” to include images created through the use of artificial intelligence software
6 as the term pertains to provisions of law related to child sexual abuse material; and
7 generally relating to child sexual abuse material.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 10–402(c)(2)(ii)1.F. and 10–406(a)(6)
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2025 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 9–801(g)(10), 11–208, and 11–208.1
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Procedure
20 Section 2–503(a)(1)(i)4.
21 Annotated Code of Maryland
22 (2025 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 23–506.1
4 Annotated Code of Maryland
5 (2022 Replacement Volume and 2025 Supplement)

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

8 **Article – Courts and Judicial Proceedings**

9 10–402.

10 (c) (2) (ii) It is lawful under this subtitle for an investigative or law
11 enforcement officer acting in a criminal investigation or any other person acting at the prior
12 direction and under the supervision of an investigative or law enforcement officer to
13 intercept a wire, oral, or electronic communication in order to provide evidence:

14 1. Of the commission of:

15 F. Child [pornography] **SEXUAL ABUSE MATERIAL** under §
16 11–207, § 11–208, or § 11–208.1 of the Criminal Law Article;

17 10–406.

18 (a) The Attorney General, State Prosecutor, or any State’s Attorney may apply to
19 a judge of competent jurisdiction, and the judge, in accordance with the provisions of §
20 10–408 of this subtitle, may grant an order authorizing the interception of wire, oral, or
21 electronic communications by investigative or law enforcement officers when the
22 interception may provide or has provided evidence of the commission of:

23 (6) Child [pornography] **SEXUAL ABUSE MATERIAL** under § 11–207, §
24 11–208, or § 11–208.1 of the Criminal Law Article;

25 **Article – Criminal Law**

26 9–801.

27 (g) “Underlying crime” means:

28 (10) a violation of § 11–207 or § 11–208 of this article (child [pornography]
29 **SEXUAL ABUSE MATERIAL**);

30 11–208.

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

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

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

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

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

13 [(i)] 1. drawings;

14 [(ii)] 2. cartoons;

15 [(iii)] 3. sculptures; or

16 [(iv)] 4. paintings.

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

21 (i) engaged as a subject of sadomasochistic abuse;

22 (ii) engaged in sexual conduct; or

23 (iii) in a state of sexual excitement.

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

28 (i) engaged as a subject of sadomasochistic abuse;

29 (ii) engaged in sexual conduct; or

30 (iii) in a state of sexual excitement.

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

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

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

10 (1) as a subject of sadomasochistic abuse; or

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

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

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

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

16 11-208.1.

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

18 (2) "Child [pornography] **SEXUAL ABUSE MATERIAL**" means any
19 electronic image or visual depiction that is unlawful under § 11-207 or § 11-208 of this
20 subtitle.

21 (3) "Controlled or owned", with respect to a server or other storage device,
22 means to be entirely owned by an interactive computer service provider or to be subject to
23 exclusive management by an interactive computer service provider by agreement or
24 otherwise.

25 (4) "Interactive computer service provider" means an entity that provides
26 a service that provides or enables computer access via the Internet by multiple users to a
27 computer server or similar device used for the storage of graphics, video, or images.

28 (b) An investigative or law enforcement officer who receives information that an
29 item of alleged child [pornography] **SEXUAL ABUSE MATERIAL** resides on a server or other
30 storage device controlled or owned by an interactive computer service provider shall:

1 (1) contact the interactive computer service provider that controls or owns
2 the server or other storage device where the item of alleged child [pornography] **SEXUAL**
3 **ABUSE MATERIAL** is located;

4 (2) inform the interactive computer service provider of the provisions of
5 this section; and

6 (3) request that the interactive computer service provider voluntarily
7 comply with this section and remove the item of alleged child [pornography] **SEXUAL**
8 **ABUSE MATERIAL** from its server or other storage device, if practicable, within 5 business
9 days.

10 (c) (1) If the interactive computer service provider does not voluntarily remove
11 the item of alleged child [pornography] **SEXUAL ABUSE MATERIAL** within the time period
12 established in subsection (b) of this section, the investigative or law enforcement officer
13 shall apply for a court order of authorization to remove the item of alleged child
14 [pornography] **SEXUAL ABUSE MATERIAL** in accordance with Title 10, Subtitle 4 of the
15 Courts Article.

16 (2) The application for a court order shall:

17 (i) identify the item of alleged child [pornography] **SEXUAL ABUSE**
18 **MATERIAL** discovered on the server or other storage device controlled or owned by an
19 interactive computer service provider;

20 (ii) provide its location on the server or other storage device in the
21 form of an Internet protocol (IP) address or uniform resource locator (URL);

22 (iii) state the grounds for the issuance of the order;

23 (iv) verify that the item of alleged child [pornography] **SEXUAL**
24 **ABUSE MATERIAL** resides on the server or other storage device controlled or owned by the
25 interactive computer service provider;

26 (v) describe the steps taken to obtain voluntary compliance of the
27 interactive computer service provider with this section;

28 (vi) inform the interactive computer service provider of its right to
29 request a hearing on the application; and

30 (vii) state the name and title of the affiant.

31 (3) The investigative or law enforcement officer shall serve the application
32 on the interactive computer service provider.

1 (4) The interactive computer service provider has the right to request a
2 hearing before the court imposes any penalty under this section.

3 (d) The court shall review the application and testimony, if offered, and, upon a
4 finding of probable cause, issue an order that:

5 (1) an item of child [pornography] **SEXUAL ABUSE MATERIAL** resides on
6 a server or other storage device controlled or owned by the interactive computer service
7 provider or is accessible to persons located in the State;

8 (2) there is probable cause to believe that the item violates § 11–207 or §
9 11–208 of this subtitle;

10 (3) the interactive computer service provider shall remove the item
11 residing on a server or other storage device controlled or owned by the interactive computer
12 service provider within 5 business days after receiving the order, if practicable;

13 (4) failure of the interactive computer service provider to comply with the
14 court's order is a violation of this section;

15 (5) the removal of the item on the server or other storage device controlled
16 or owned by the interactive computer service provider may not unreasonably interfere with
17 a request by a law enforcement agency to preserve records or other evidence;

18 (6) the process of removal shall be conducted in a manner that prevents the
19 removal of images, information, or data not otherwise subject to removal under this section;
20 and

21 (7) provides the interactive computer service provider notice and
22 opportunity for a hearing before the court imposes any penalty under this section.

23 (e) (1) The Office of the State's Attorney shall serve the court's order on the
24 interactive computer service provider.

25 (2) The order shall be accompanied by:

26 (i) the application made under subsection (c) of this section;

27 (ii) notification requiring the interactive computer service provider
28 to remove the item residing on a server or other storage device controlled or owned by the
29 interactive computer service provider, if practicable, within 5 business days after receiving
30 the order;

31 (iii) notification of the criminal penalties for failure to remove the
32 item of child [pornography] **SEXUAL ABUSE MATERIAL**;

33 (iv) notification of the right to appeal the court's order; and

1 (v) contact information for the Office of the State's Attorney.

2 (f) An interactive computer service provider who is served with a court order
3 under subsection (e) of this section shall remove the item of child [pornography] **SEXUAL**
4 **ABUSE MATERIAL** that is the subject of the order within 5 business days after receiving
5 the court order, if practicable.

6 (g) (1) An interactive computer service provider may petition the court for
7 relief for cause from an order issued under subsection (d) of this section.

8 (2) The petition may be based on considerations of:

9 (i) the cost or technical feasibility of compliance with the order; or

10 (ii) the inability of the interactive computer service provider to
11 comply with the order without also removing data, images, or information that are not
12 subject to this section.

13 (h) (1) (i) Subject to subparagraph (ii) of this paragraph, an interactive
14 computer service provider shall report the location of an item of child [pornography]
15 **SEXUAL ABUSE MATERIAL** to the State Police if the item of child [pornography] **SEXUAL**
16 **ABUSE MATERIAL**:

17 1. resides on a server or other storage device that is:

18 A. controlled or owned by the interactive computer service
19 provider; and

20 B. located in the State; or

21 2. based on information apparent to the provider at the time
22 of the report or discovery of an item of child [pornography] **SEXUAL ABUSE MATERIAL**,
23 pertains to a subscriber or user of the interactive computer service who resides in the State.

24 (ii) Subparagraph (i) of this paragraph does not apply to an
25 interactive computer service provider if:

26 1. federal law expressly provides for or permits the referral
27 of a report of an item of child [pornography] **SEXUAL ABUSE MATERIAL** to a state or local
28 law enforcement agency; and

29 2. the interactive computer service provider complies with
30 the federal law.

1 (2) An interactive computer service provider who knowingly and willfully
2 fails to report the information required under paragraph (1) of this subsection is guilty of a
3 misdemeanor and on conviction is subject to:

4 (i) for a first violation, a fine not exceeding \$5,000;

5 (ii) for a second violation, a fine not exceeding \$20,000; and

6 (iii) for each subsequent violation, a fine not exceeding \$30,000.

7 (i) An interactive computer service provider who willfully violates subsection (f)
8 of this section is guilty of a misdemeanor and on conviction is subject to:

9 (1) for a first violation, a fine not exceeding \$5,000;

10 (2) for a second violation, a fine not exceeding \$20,000; and

11 (3) for each subsequent violation, a fine not exceeding \$30,000.

12 (j) An interactive computer service provider who willfully violates subsection (f)
13 or (h) of this section may be prosecuted, indicted, tried, and convicted in any county in or
14 through which:

15 (1) the interactive computer service provider provides access to the
16 Internet;

17 (2) any communication from the interactive computer service provider
18 traveled; or

19 (3) the communication from the interactive computer service provider
20 originated or terminated.

21 (k) (1) This section does not impose a duty on an interactive computer service
22 provider actively to monitor its service or affirmatively to seek evidence of an item of child
23 [pornography] **SEXUAL ABUSE MATERIAL** on its service.

24 (2) This section does not apply to the interactive computer service
25 provider's transmission or routing of, or intermediate temporary storage or caching of, an
26 image, information, or data that otherwise is subject to this section.

27 (l) An interactive computer service provider may not be held liable for any action
28 taken in good faith to comply with this section.

29 **Article – Criminal Procedure**

1 (a) (1) A police officer or other employee or agent of a law enforcement agency
2 may not, in the furtherance of a criminal investigation:

3 (i) use facial recognition technology to investigate a crime other
4 than the commission of or the attempt to commit:

5 4. a child [pornography] **SEXUAL ABUSE MATERIAL** offense
6 under § 11–207 of the Criminal Law Article;

7 **Article – Education**

8 23–506.1.

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

10 (2) “Child [pornography] **SEXUAL ABUSE MATERIAL**” means a violation
11 of § 11–207 of the Criminal Law Article.

12 (3) “Obscene” has the meaning stated in § 11–203 of the Criminal Law
13 Article.

14 (b) On or before January 1, 2001, each county or board of trustees of a county
15 library shall:

16 (1) Adopt and implement policies and procedures to prevent minors from
17 obtaining access through the library, by means of the Internet, the World Wide Web,
18 Usenet, or any other interactive computer service to materials that are obscene or
19 constitute child [pornography] **SEXUAL ABUSE MATERIAL**; and

20 (2) Submit the policies and procedures required under this section to the
21 State Librarian for review.

22 (c) The State Librarian or a designee of the State Librarian shall regularly
23 monitor the county libraries to determine whether each library is complying with the
24 policies and procedures adopted for preventing a minor from obtaining Internet access to
25 obscene materials through the library.

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