

# SENATE BILL 736

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6lr1847

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By: Senator Benson

Introduced and read first time: February 6, 2026

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Obscene Matter – Visual Representation of Child**

3 FOR the purpose of altering the maximum age of a certain child that may not be depicted  
4 in certain visual representations; altering the penalties for knowingly possessing and  
5 intentionally retaining, and knowingly or intentionally accessing and intentionally  
6 viewing, certain visual representations; authorizing a person depicted in a certain  
7 visual representation to bring a certain civil action; requiring the Attorney General  
8 to submit a certain annual report; and generally relating to obscene matter.

9 BY repealing and reenacting, with amendments,

10 Article – Criminal Law

11 Section 11–208

12 Annotated Code of Maryland

13 (2021 Replacement Volume and 2025 Supplement)

14 BY adding to

15 Article – State Government

16 Section 6–112

17 Annotated Code of Maryland

18 (2021 Replacement Volume and 2025 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

20 That the Laws of Maryland read as follows:

21 **Article – Criminal Law**

22 11–208.

23 (a) (1) In this section, “indistinguishable from an actual and identifiable child”  
24 means an ordinary person would conclude that the image is of an actual and identifiable  
25 minor.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) "Indistinguishable from an actual and identifiable child" includes a computer-generated image that has been created, adapted, or modified to appear as an actual and identifiable child.

4 (3) "Indistinguishable from an actual and identifiable child" does not  
5 include images or items depicting minors that are:

- (i) drawings;
- (ii) cartoons;
- (iii) sculptures; or
- (iv) paintings.

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

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

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

24 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
25 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment  
26 not exceeding [5] 10 years or a fine not exceeding [\$2,500] **\$25,000** 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] 20 years or a fine not exceeding [\$10,000] \$50,000 or both.

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

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

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

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

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

10 (F) (1) A PERSON DEPICTED IN A VISUAL REPRESENTATION THAT IS  
11 INVOLVED IN A VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION IN A COURT  
12 OF COMPETENT JURISDICTION.

**(2) IN AN ACTION UNDER THIS SUBSECTION, THE COURT MAY AWARD:**

14 (I) ACTUAL DAMAGES:

**(ii) PUNITIVE DAMAGES NOT EXCEEDING \$250,000:**

**(III) REASONABLE ATTORNEY'S FEES AND COSTS: AND**

17 (IV) ANY OTHER APPROPRIATE BELIEF

## Article – State Government

21 6-112

22 (A) ON OR BEFORE DECEMBER 1 EACH YEAR, THE ATTORNEY GENERAL  
23 SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §  
24 2-1257 OF THE STATE GOVERNMENT ARTICLE, THAT:

25 (1) PROVIDES GUIDANCE TO LAW ENFORCEMENT AGENCIES  
26 REGARDING BEST PRACTICES FOR DETECTING COMPUTER-GENERATED IMAGES IN  
27 VIOLATION OF § 11-208 OF THE CRIMINAL LAW ARTICLE;

3 (3) INCLUDES DATA ON CHARGES AND PROSECUTIONS UNDER §  
4 11-208 OF THE CRIMINAL LAW ARTICLE DURING THE PRIOR 1-YEAR PERIOD; AND

5 (4) IS PUBLICLY AVAILABLE ON THE ATTORNEY GENERAL'S WEBSITE.

6 (B) THE ATTORNEY GENERAL MAY PARTNER WITH OTHER STATE  
7 AGENCIES OR ANOTHER ORGANIZATION TO COMPLETE THE REPORT REQUIRED  
8 UNDER THIS SECTION.

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