

SENATE BILL 989

D3, E1

6lr1881
CF HB 924

By: **Senator Henson**

Introduced and read first time: February 18, 2026

Assigned to: Rules

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Courts and Judicial Proceedings**

4 **SUBTITLE 27. CIVIL ACTIONS FOR UNLAWFUL CHILD EXPLOITATION MATERIAL.**

5 **3–2701.**

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

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

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

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

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

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

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

24 **3–2702.**

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

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

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

3 **3-2703.**

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

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

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

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

13 **(1) NOMINAL DAMAGES;**

14 **(2) ACTUAL DAMAGES;**

15 **(3) COURT COSTS;**

16 **(4) PUNITIVE DAMAGES; AND**

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

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

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

24 **3-2704.**

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

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.

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