Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1294   (Delegate Wilson)

Judiciary

Criminal Law - Child Sexual Abuse Material - Artificial Intelligence Software

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This bill (1) replaces references to "child pornography" with "child sexual abuse material" in various statutory provisions and (2) specifies that for purposes of § 11-208 of the Criminal Law Article (possessing or accessing and viewing child pornography), a "computer-generated image" includes images created through the use of artificial intelligence software.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: Section 11-208 of the Criminal Law Article prohibits a person from (1) knowingly possessing and intentionally retaining or (2) knowingly or intentionally accessing and intentionally viewing a film, videotape, photograph, or other visual representation showing an actual child or a *computer-generated image* that is indistinguishable from an actual and identifiable child younger than age 16 engaged as a subject of sadomasochistic abuse, engaged in sexual conduct, or in a state of sexual excitement. Violators are guilty of a misdemeanor punishable by imprisonment for up to five years and/or a $2,500 maximum fine for a first offense. A person who has previously been convicted under § 11-208 is guilty of a felony punishable by imprisonment for up to 10 years and/or a $10,000 maximum fine.

Section 11-208 does not prohibit a parent from possessing visual representations of the parent's own child in the nude unless the visual representations show the child engaged as a subject of sadomasochistic abuse or in sexual conduct and in a state of sexual excitement.

It is an affirmative defense to a charge of violating § 11-208 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.

"Indistinguishable from an actual and identifiable child" means an ordinary person would conclude that the image is of an actual and identifiable minor. "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. It does not include images or items depicting minors that are drawings, cartoons, sculptures, or paintings.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 5 of 2025.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2026
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