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**TO:** The Honorable William C. Smith Jr.  
Chair, Judicial Proceedings Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** SB226 – Criminal Law – Child Pornography – Accessing With Intent to View – **Support**

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The Office of Attorney General (the “OAG”) urges this Committee to favorably report Senate Bill 226. This legislation, sponsored by Senator Salling, would add to the existing criminal prohibition of possession of child pornography to cover someone who browses websites in search of such material but does not download the images or videos.

Currently, the statute bars “knowingly possess[ing] and intentionally retain[ing]” child pornography.<sup>1</sup> Without this addition, those who view child pornography without downloading the material could potentially fall within a loophole within the existing statutory language. With the rise of social media and the rapid development of technology, offenders are consistently evolving new methods to facilitate viewing child pornography while evading law enforcement.<sup>2</sup> Given the practical reality of how explicit material is transmitted and accessed on the internet, this bill will aid in safeguarding our children and our communities from this reprehensible offense.

For the foregoing reasons, the Office of the Attorney General urges a favorable report of Senate Bill 226.

cc: Committee members

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<sup>1</sup> MD. CODE ANN., CRIM. LAW § 11-208(b) (West 2023)

<sup>2</sup> U.S. DEP’T OF JUSTICE, *The National Strategy for Child Exploitation Prevention and Interdiction, A Report to Congress* at 73 (Apr. 2016) (available at <https://www.justice.gov/media/857721/dl?inline>)

This bill letter is a statement of the Office of Attorney General’s policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the Senate and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or [sbrantley@oag.state.md.us](mailto:sbrantley@oag.state.md.us)