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**Working to end sexual violence in Maryland**

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**Testimony Supporting House Bill 145 with Amendments**  
**Lisae C. Jordan, Executive Director & Counsel**  
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute which provides direct legal services for survivors across the State of Maryland. We urge the Judiciary Committee to report favorably on House Bill 145.

**House Bill 145 – Revenge Porn – Digitally Altered Images**

This bill is an effort to expand the current “revenge porn” statute, Criminal Law §3-809, to include a broader range of images, including “deep-fakes” and similar depictions. MCASA fully supports the intent of the bill, but expresses concerns about whether it may be overbroad and tread into constitutionally protected areas.

Revenge Porn is the abhorrent practice of harming another person by distributing images of their intimate parts or sexual activities without their consent. Typically, this involves former romantic partners who have shared pictures of themselves willingly and one shares the pictures without the consent of the other to harm, harass, intimidate, threaten, or coerce the other person. The statute was carefully crafted to balance constitutional protections for free speech and the need to prohibit harmful conduct.

The advent of AI and more sophisticated computer technology creates a need to update the current statute. It is not difficult to create sexual images of someone that are wholly made up and also indistinguishable from an actual person. These images can cause significant emotional, reputational, and even financial harm. As drafted, however, HB145 would include clearly fake pictures, for instance “a picture” made by “mechanical or other means” could include a cartoon with a parody of a public figure. MCASA respectfully suggests borrowing from the language in §11-208 and adding a requirement that a “visual representation” under §3-809(a)(6) include a requirement that the image be “indistinguishable from an actual and identifiable human being” and that a definition of this term be added on page 2, line 2 after “(4)”:

(I) “INDISTINGUISHABLE FROM AN ACTUAL AND IDENTIFIABLE HUMAN BEING” MEANS AN ORDINARY PERSON WOULD CONCLUDE THAT THE IMAGE IS OF AN ACTUAL AND IDENTIFIABLE HUMAN BEING”

(II) “INDISTINGUISHABLE FROM AN ACTUAL AND IDENTIFIABLE HUMAN BEING” INCLUDES A COMPUTER-GENERATED IMAGE THAT HAS BEEN CREATED, ADAPTED, OR MODIFIED TO

APPEAR AS AN ACTUAL AND IDENTIFIABLE HUMAN BEING.

(III) "INDISTINGUISHABLE FROM AN ACTUAL AND IDENTIFIABLE HUMAN BEING" DOES NOT INCLUDE IMAGES OR ITEMS DEPICTING HUMAN BEINGS THAT ARE:

1. DRAWINGS:
2. CARTOONS:
3. SCULPTURES:
4. PAINTINGS.

**The Maryland Coalition Against Sexual Assault urges the  
Judiciary Committee to  
report favorably on House Bill 145 with Amendments**