



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
www.mcasa.org

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544

Testimony Supporting Senate Bill 858 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 Judicial Proceedings Committee to report favorably on Senate Bill 858 with Amendments.

Senate Bill 858 – Revenge Porn and Deep Fakes – Civil Remedies

This bill would create a civil action against those who distribute intimate images of another without their consent. It applies to “deep fakes” as well as to unaltered images. Interactive computer services are exempt from liability. Both the Attorney General and survivors are authorized to bring these lawsuits.

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. Maryland's criminal law was carefully crafted to balance constitutional protections for free speech and the need to prohibit harmful conduct. Senate Bill 858 similarly includes provisions to ensure the constitutionality of the proposed law.

The advent of AI and more sophisticated computer technology creates new challenges. 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 financial harm.

Senate Bill 858 provides survivors with the ability to seek civil remedies for nonconsensual distribution of intimate images, including deep fakes. MCASA strongly supports this approach because it helps put control into the hands of survivors. The proposed provisions include both damages and injunctive relief so that courts can, for example, order that images be taken down or that an offender disclose where images are stored. The Attorney General is also authorized to bring suit, an important option for enforcement. Unfortunately, the bill fails to provide for attorneys fees and costs in survivor initiated suits. MCASA encourages the Committee to add fees and costs and help ensure survivors have access to the courts and this important remedy. Additionally, the bill exempts interactive computer services from liability, citing federal law. This troubling law has been roundly and recently criticized for promoting harm and MCASA urges the Committee to amend the bill to strike §2-2302(b).

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 858 with Amendments**