

KATIE FRY HESTER
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Education, Health, and
Environmental Affairs Committee

Chair, Joint Committee on
Cybersecurity, Information Technology
and Biotechnology



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of Revenge Porn - Civil Action and Reporting Requirement

February 29, 2024

Chairman Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee:

Thank you for your consideration of Senate Bill 858, which enables a person to bring a civil action for defamation against another who distributes a computer-generated visual representation that falsely depicts the person in a sexual manner.

Websites and apps that use artificial intelligence (AI) to generate sexual imagery have grown in popularity since their inception. In September 2023, 24 million people visited websites that can manipulate images to make the person in the photo appear naked. Furthermore, from 2018 to 2020, the number of pornographic deep fakes online doubled every six months.¹

More recently, in January of this year, fake pornographic images of Taylor Swift began to circulate on X, prompting lawmakers to take immediate legislative action to protect individuals from deep fake-produced nonconsensual sexual images. Non-consensual sexual imagery has targeted other well-known celebrities, including Kristen Bell, Gal Gadot, Emma Watson, Natalie Portman, and Scarlett Johansson. Following the Taylor Swift incident, the White House requested legislative action from Congress to address the issue.

However, this harmful proliferation is not limited to celebrities. Dedicated websites now produce and disseminate thousands of AI-generated and altered images of men, women, and children engaging in violent and sexual acts. The ease of access to these websites is facilitating the proliferation of fake imagery that is devastating the lives of an ever-increasing number of victims.²

For example, a recent criminal case heard in Long Island, NY, centered around a young man who used AI to alter publicly posted pictures of eleven different girls into sexually explicit images.

¹ [Opinion: The rise of deepfake pornography is devastating for women](#)

² AI porn is easy to make now. For women, that's a nightmare.

The perpetrator then revealed the victims' personal identifying information, including full names, phone numbers, and home addresses. Although the perpetrator clearly violated the privacy, dignity, and security of these girls, the state of New York lacks the legislative framework to hold him accountable for the fabrication of the images. Instead, the state charged him with violating existing child pornography laws.

To address this growing problem, SB858 will broaden the existing criminal code by:

1. Amending the existing misdemeanor revenge porn offense to apply to the distribution of computer-generated sexual imagery under circumstances in which the possessor knew that the depicted person did not consent to the distribution.
2. Enabling victims to seek civil remedies through a private right of action. These actions include, but are not limited to, monetary damages, restraining orders, and any other relief deemed appropriate by the court against the distributor(s) of the "non-consensual sexual imagery."
3. Enabling further victim protections by restricting the availability of court-documented imagery from being viewed publicly.

In closing, the rise of non-consensual artificially generated sexual imagery is only going to get worse as the technology becomes more advanced and accessible to the average person. This bill will not end deep-fake, non-consensual pornography, but it will give courts and victims the tools and resources they need to hold those who generate the images accountable for their actions.

For these reasons, I respectfully request a favorable report on SB858.

Sincerely,

A handwritten signature in black ink that reads "Katie Fry Hester". The signature is written in a cursive, slightly slanted style.

Senator Katie Fry Hester
Howard and Montgomery Counties