

KATIE FRY HESTER
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Howard and Montgomery Counties

Education, Energy, and
Environment 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 SB858: Revenge Porn - Civil Action and Reporting Requirement

April 1, 2024

Chair Clippinger, Vice-Chair Bartlett, and members of the Judiciary 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.

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. Websites and apps that use artificial intelligence (AI) to generate sexual imagery have grown in popularity since their inception. For context, 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 computer-generated pornographic images 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 computer-generated nonconsensual sexual images.

However, this harmful proliferation is not limited to celebrities. 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. 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.

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

To address this growing problem, SB858 will update our existing law by:

1. Amending the existing misdemeanor revenge porn offense by adding computer-generated visual representation to the non-consensual distribution of sexual imagery.
2. Enabling victims to seek civil remedies through a private right of action for defamation.
3. Enabling further victim protections by restricting the availability of court-documented imagery from being viewed publicly.

This bill is very similar to HB145, which this committee voted out favorably with amendments. Delegate Pippy, the Senate Judicial Proceedings Committee, and I have worked together to identify the best path forward. On March 27, Del. Pippy and the Senate Judicial Proceedings Committee agreed to conform HB145 to this Senate bill. While it is not a cross-file, these two bills aim to accomplish the same goal, and we have reached a consensus on the language presented before you in SB 858 today.

While SB858 will not end non-consensual, computer-generated pornography – 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 as amended.**

Sincerely,

A handwritten signature in cursive script that reads "Katie Fry Hester".

Senator Katie Fry Hester
Howard and Montgomery Counties