

Maryland Coalition Against Pornography, Inc.

P.O. Box 2868

Silver Spring, MD 20915-2868

mcapinc@juno.com

www.mcap1.com

(301) 439-8475



TOGETHER WE CARE

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In support of HB 858

MCAP thanks this legislative body for this hearing, especially during Women's History month. A 2023 study found that while 98% of all online deepfake videos were pornographic, women were the subjects in 99% of them. It is used to punish, silence and humiliate mostly women. Victims of non-consensual pornography experience extreme psychological distress that can lead to self-harm and suicide, physical endangerment that include in-person stalking and harassment and financial endangerment that include in-person stalking and harassment and financial professional and reputational ruin. The damage done is, in some respects, not unlike the way acid is thrown on the faces of some non-conforming women in some cultures. And if Taylor Swift cannot get the digital forgery of herself removed from the internet, obviously no one is safe.

Nor should the aspect of computer-generated child porn, or CSAM (child sexual assault material), be forgotten, and how predator groomers are using AI.

Some statistics - In only a three month period, from November 1st, 2022 to February 1st, 2023, there were over **99,000 IP addresses** throughout the United States that distributed known CSAM; **only 782 were investigated**. Studies say that more than 50% of suspects in CSAM-related crimes also commit hands-on offenses against children in their communities.

Free speech rights should not stand in the way of legislating in this arena. Long-standing precedent in First Amendment law allows for regulation of false harmful expressions that are perceived by others to be true - for example, untruthfully yelling "Fire" in a crowded arena. Defamation, fraud, impersonation, counterfeiting and forgery are NOT protected speech.

The proliferation of **extremely** bad actors, the worsening sickness of their acts, the ease with which AI has enabled their actions, and the way that the law has *not* kept up with technological advances should be compelling enough to spur this and other legislatures to take both reactive and preventative measures asap.

The 10 states below now have legislation that specifically targets those who create and share explicit deepfake content, as reported by USA Today. Many laws were passed in the last year or so, and outline penalties ranging from fines to possible jail time for offenders. California, Florida, Georgia, Hawaii, Illinois, Minnesota, New York, South Dakota, Texas and Virginia – the earliest, passed in 2019.

Massachusetts and Wisconsin have bills in progress. Indiana's is not yet signed by the governor.

MCAP applauds efforts here to try fill legal gaps and make sure that bad actors go to prison. We urge a favorable report on either SB 858 or HB 145, both bills seeking to address this problem.

Respectfully submitted,
Peggy Cairns Education Chairperson