



BILL NO: Senate Bill 362
TITLE: Forged Digital Likenesses – Distribution – Prohibition
COMMITTEE: Judicial Proceedings
HEARING DATE: January 29, 2025
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals, for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 362.**

Senate Bill 362 would create a new misdemeanor crime for distribution of a “forged digital likeness, as defined. A “forged digital likeness” is a computer-generated visual or audio representation of a person that is identifiable as that person but is not that actual person. Instead it misrepresents the appearance, speech or behavior of the person and is likely to deceive someone viewing or listening to it. It excludes certain products, cartoons, paintings, drawings or sculpture. The balance in the definition acknowledges the value of artistic endeavors versus the damage that can be done in today’s world or advanced technology. The person distributing the forged digital likeness must distribute the image or audio asserting its genuineness or reasonably should know the forged digital likeness is not genuine. A violation of SB 362 would be a sentence of up to three years and/or a fine of up to \$1000.

Breakthroughs in AI tools have led to a sudden surge in digital replicas in many different forms, including examples that range from the dangerous (like creating convincing replicas of the President) and despicable (like the image-based sexual abuse faced publicly by Taylor Swift), to the inspiring (like the accessibility and inclusion benefits of video translation that preserves voices) and prosaic (like getting a group photo where everyone actually has their eyes open). While digital replicas can be made using any type of digital technology, and with or without an individual’s authorization, the flurry of attention is on unauthorized digital replicas created using generative artificial intelligence.¹

Commercial harms primarily arise from violations of people’s right to control how their name, image, and likeness – often referred to as “NIL” – are all used commercially, but also includes the threat of potential economic displacement from digital replicas. Dignitary harms are violations of a person’s rights to privacy and respect, and to be free from harassment and abuse. Finally,

¹ <https://publicknowledge.org/digital-replicas-part-i-defining-the-harms/>. Last viewed 1/27/2025.

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ lruth@mnadv.org



democratic harms are those that harm our system of government and shared information environment, like disinformation.²

For the above stated reasons, the **Maryland Network Against Domestic Violence** urges a **favorable report on SB 360**.

² Id.

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