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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 SB 360 - Revenge Porn - Civil Action and Reporting Requirement

January 27, 2025

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

Thank you for your consideration of Senate Bill 360, which provides civil remedies for victims and creates a misdemeanor for those who distribute a computer-generated visual representation that falsely depicts a person in a sexual manner.

Last year, you heard and passed this bill out of the Senate with a unanimous favorable report. However, with slight differences between the Senate and House versions, we ran out of time to get the bill over the finish line. This year, we have strengthened the bill with some changes to address concerns in the House.

As you know, websites and apps that use artificial intelligence (AI) to generate sexual imagery have grown in popularity since their inception. In the first half of 2024, AI-powered "undressing" websites, which create non-consensual nude images, collectively garnered over 200 million visits.¹ 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

On a national level, the U.S. Senate has taken action by unanimously passing the Disrupt Explicit Forged Images and Non-Consensual Edits (DEFIANCE) Act of 2024, which seeks to create federal civil remedies for identifiable victims of deepfake sexual abuse.³ However, the bill has been stalled in the House of Representatives since July. Building on these efforts, SB360 introduces strong state-level protections, offering a critical pathway to justice if the federal bill fails and reinforcing enforcement measures should it succeed.

¹ [AI-powered 'undressing' websites are getting sued](#)

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

³ U.S. Congress. (2024). *DEFIANCE Act of 2024*, S. 3696, 118th Cong. Retrieved from <https://www.congress.gov/bill/118th-congress/senate-bill/3696/text>

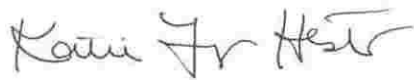
Specifically, SB360 will broaden the existing state criminal and civil code by:

1. Defining computer-generated visual representation as a visual representation created without using other existing visual representations AND created using other existing visual representations of a person without the person's consent.
2. Amending the existing misdemeanor revenge porn offense to apply to the distribution of explicit computer-generated media under circumstances in which the possessor did not have consent and had intent to harm, harass, intimate, or coerce.
3. 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."
4. Enabling further victim protections by restricting the availability of court-documented imagery from being viewed publicly.
5. Addresses concerns raised during the 2024 session by removing the requirement for a victim of these offenses to have had a reasonable expectation of privacy in order to seek justice against distributors.

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 non-consensual, computer-generated pornography, but it will strengthen protections for victims, addressing the risks posed by new technologies and ensuring perpetrators are held accountable.

For these reasons, I respectfully request a favorable report on SB360.

Sincerely,

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

Senator Katie Fry Hester
Howard and Montgomery Counties