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Testimony Concerning SB 0360

"Revenge Porn- Civil Action and Criminal Offense"

POSITION: FAVORABLE

Submitted to the Senate Judicial Proceedings Committee

January 27th, 2025

Dear Delegates Hester and Smith and Colleagues,

I, Christina Dardis, Associate Professor of Psychology at Towson University, strongly support SB 0360, which would amend civil and criminal codes against "Revenge Porn" in the state of Maryland to include distribution of computer-generated images/videos of a sexual or intimate nature that are indistinguishable from actual images/videos. My research examines sexual violence and intimate partner violence, including image-based sexual assault ("revenge porn"). In my career, I have published over 60 articles on sexual and intimate partner violence and presented my work at professional conferences nearly 100 times. This testimony represents my own views based on the extant scientific literature and does not represent the views of Towson University.

Current Maryland law prohibits revenge porn (also known as "image-based sexual assault"), however, the law does not presently extend to computer-generated and "deep-fake" images. **As deepfake and other computer-generated images and videos are indistinguishable from actual photographs/videos,** even through many advanced technological methods (Kaur et al., 2024), **they stand to cause the same psychological effects and reputational harm as do "actual" images**. Based on the literature, I strongly support the proposed legislation for the following reasons.

(1) **Image-based sexual assault** (i.e., "revenge porn") is **extremely common;** U.S. national estimates indicate that **1 in 8** individuals experience IBSA (Eaton et al., 2017), while, in my own research at a Maryland public university, I have found rates of **1 in 6 among our students** (Dardis & Richards, 2022), with women particularly at risk (**1 in 5**). Although the prevalence of deepfake image abuse victimization is less frequently studied, results from the UK and Australia indicated that approximately 13-14% of adult residents reported deepfake/digitally altered imagery abuse victimization and 7.6% reported engaging in perpetration (Flynn et al., 2022).

(2) **Deepfake prevalence is increasing** (Mania, 2024), **and difficult to detect or differentiate from "real" images**—even using the best available technology (Kaur et al., 2024). Thus, **perceived as real, there**

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is no reason to believe that these images would be less harmful than "real" images.

(3) **Sharing intimate images has a range of incredibly deleterious consequences for victim-survivors.** Within my research, over 1/3 of victims of IBSA meet probable criteria for PTSD and nearly 2/3 meet probable criteria for depression (Fahmy, Piper, & Dardis, 2024). Importantly, **survivors of image-based sexual abuse report psychological distress at levels that meet or surpass that of survivors of past-year intimate partner violence (Fahmy et al., 2024). These effects are far-reaching.** In our research, we have found that 95% of survivors report negative effects of their victimization, including **feeling betrayed, experiencing humiliation, powerlessness, shame, anxiety, self-harm, suicidal ideation, occupational stress and bullying, and reputational harm** (Piper & Dardis, under review). Further, due to the frequent sharing of these images, many described **fears that images will be continually shared, potentially ruining careers and relationships.** Similar outcomes were described in a study specifically examining outcomes of deepfake image-sharing (Flynn et al., 2022). In fact, one study of survivors noted "irreparable harm," being "forever changed" with the harms "ingrained in me," with continual fears of the images being reshared and the resulting reputational harms that could result (Rousay, 2023).

(4) Further, **risk of harm is socially stratified, with evidence of higher victimization rates among those holding marginalized identities,** including, for example, sexual minority and disabled individuals (Flynn et al., 2022). Protecting against deepfakes serves, thus, as a critical protection for groups already at the margins in our society.

(5) **Protecting against deepfake intimate image sharing is also a protection for survivors of intimate partner violence,** as image-based sexual abuse is most commonly perpetrated by partners or former partners (Dardis & Richards, 2022; Ruvalcaba & Eaton, 2020), and deepfakes are believed to be no exception (see Lucas, 2022 and Dodge, 2021 for a discussion). Without legislation, partners and former intimate partners retain a tool of potential control, extortion, and devastation to their victim-survivors.

(6) **Civil and criminal laws are necessary for justice, can serve a deterrent function, and communicate our state's values.** In order for laws to serve a deterrent function, knowing of the consequences of those behaviors is necessary. Enabling civil action against perpetrators allows for the potential for greater justice for victims/survivors with a wider range

of consequences for perpetrators. Having both civil and criminal penalty for this crime provides additional deterrent power.
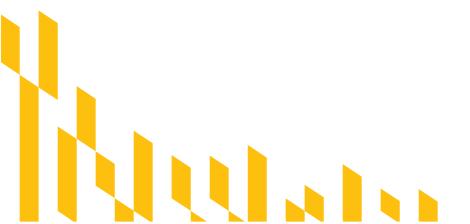
In sum, the State of Maryland has already determined that the sharing of sexual images violates the rights of its citizens. Extending this law and the civil protections to include the sharing of computer-generated images indistinguishable from "real" images is a logical and necessary extension of this policy in order to meet the needs of our changing technological age. Without these protections, victims and survivors, who bear no fault or responsibility for the malicious and defamatory behaviors of others, are without recourse or renumeration. It is imperative that Maryland respond with this action to protect survivors, protect marginalized groups (victim-survivors, at intersecting marginalized identities), and deter would-be perpetrators.

Thank you for your consideration,

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