

Maryland Coalition Against Pornography, Inc.

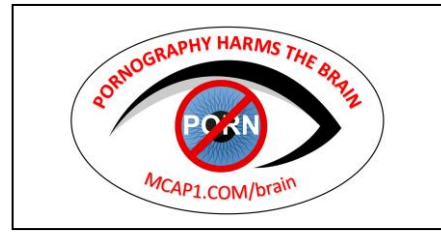
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TOGETHER WE CARE

January 29, 2025

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In support of SB 360

MCAP thanks the sponsors for this bill and this committee for its hearing. 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 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.

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 worrisome enough to spur both reactive and preventive measures asap.

According to the **National Conference of State Legislatures**, the states below now have legislation that specifically targets those who create and share explicit deepfake content, with penalties ranging from fines to possible jail time for offenders. Examples include: [California](#), [Florida](#), [Georgia](#), [Hawaii](#), [Illinois](#), [Minnesota](#), [New York](#), [South Dakota](#), [Texas](#) and [Virginia](#) – the earliest, passed in 2019. At least 40 states have pending legislation in the 2024 legislative session. At least 50 bills have been enacted. More details from this helpful compilation on state legislative efforts can be viewed at <https://www.ncsl.org/technology-and-communication/deceptive-audio-or-visual-media-deepfakes-2024-legislation#:~:text=These%20states%20are%20California%2C%20Connecticut,at%20the%20use%20of%20deepfakes.>

MCAP applauds your efforts here to try fill legal gaps and make sure that bad actors are punished. Please don't delay enacting some significant measures in Maryland!

Respectfully submitted,

Peggy Cairns,

Education Chairperson
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