

02/04/2025

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**TESTIMONY ON HB#0364 - POSITION: FAVORABLE**  
**Criminal Law - Child Pornography - Prohibitions and Penalties**

**TO:** Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

**FROM:** Richard Keith Kaplowitz

**My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ HB#/0364, Criminal Law - Child Pornography - Prohibitions and Penalties**

This bill will further criminalize persons committing perversion of use of AI technology in the creation of child pornography. As documented by the Maryland Coalition Against Sexual Assault:

Preventionists, advocates, and service providers who work to address sexual violence must contend with new challenges presented by the rise of widely accessible artificial intelligence (AI) technology. Perpetrators of sexual abuse and exploitation have begun using AI technology to create “deepfakes.” Deepfakes are hyper-realistic synthetic images and videos created using AI software that convincingly replace the individual in the original video or image with the likeness of another person (Harris, 2015). This allows the creators of these representations to make it appear that the person whose face is portrayed in the image or video is engaging in an act that in reality they did not engage in.<sup>1</sup>

The bill treats a person who would possess or view child pornography as a felon. It would accomplish that by prohibiting a person from possessing more than 100 images of certain child pornography or possessing or viewing images of certain child pornography depicting a minor or an individual indistinguishable from an actual and identifiable child under the age of 13 years. It treats these deviants by providing that a violation of the Act is a felony and on conviction is subject to imprisonment not exceeding 10 years. It also permits that providing that a sentence under the Act may be separate from and consecutive to or concurrent with a sentence imposed for certain other crimes.

People who consider children as sexual objects for their gratification will be held accountable for using technology to enhance their predatory activities. This bill will make it more costly for the purveyors of this misuse of AI with a strong deterrent to that conduct.

**I respectfully urge this committee to return a favorable report on HB0364.**

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<sup>1</sup> <https://mcasa.org/newsletters/article/survivor-safety-deepfakes-and-negative-impacts-of-ai-technology>