



BILL NO: House Bill 364
TITLE: Criminal Law – Child Pornography – Prohibitions and Penalties
COMMITTEE: Judiciary
HEARING DATE: February 4, 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 House Judiciary Committee to issue a favorable report on HB 364.**

House Bill 364 increases the penalties for possession of child pornography where the image depicts a child under or indistinguishable from a child under the age of 13. It also clarifies how to calculate the number of images in a video and increases penalties for possession of large numbers of images (over 100 images).

Victims of child pornography suffer long lasting a repeated harm. They are initially sexually abused during the creation of the images but then experience repeated harm as the pictures of their abuse are circulated. Child pornography, now often referred to as images of child sexual abuse, are typically shared electronically. The material travels the web, around the world, and is shared by the sex offenders interested in exploiting children by viewing their sexual abuse.

In Maryland, possession of child pornography requires that the child depicted be under the age of 16 and the crime is a misdemeanor with a penalty with up to 5 years and a \$2,500 fine or both for a first offense, and up to 10 years and a \$10,000 fine or both for subsequent offenses. HB 364 proposes that the penalty for possessing an image of child under 13 or more than 100 images have a potential penalty of up to 10 years.

These cases include horrific and vile depictions of sexual abuse of children. The very definition of child pornography includes children who are a “subject of sadomasochistic abuse”. Maryland law already recognizes that children under the age of 13 are particularly vulnerable through its “tender years” statute, Criminal Law §11-304. Age 13 is also recognized in juvenile law as a relevant demarcation line. House Bill 364 is consistent with these approaches. MCASA condemns pornographic images of any child. HB 364 creates a reasonable and appropriate recognition of the need additional sentencing options for those who help create and sustain a market for images of younger children.

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For the above stated reasons, the **Maryland Network Against Domestic Violence** urges a **favorable report on HB 364**.

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