



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 19, 2025

**Testimony in SUPPORT of HB 670:
Civil Actions - Unsolicited Obscene Material**

Summary: HB 670 creates a cause of action for victims of unsolicited obscene materials, aka “cyberflashing,” to sue the sender for damages, attorney’s fees, and injunctive relief. HB670 takes into account First Amendment concerns by incorporating the definition of “obscenity” accepted by the Supreme Court in the 1973 decision in *Miller v. California*.

Overview: Cyberflashing occurs when a person sends someone else a sexually explicit picture or video, often including an image of their genitalia or other intimate areas.

These sexually explicit images are not just sent to individuals; they can be sent to hundreds of phones at once using the AirDrop feature on iPhones, so unsuspecting commuters or those in other large groups of people can be subject to these images at any time.

According to [research conducted by Bumble](#), nearly half (48%) of women aged 18 to 24 received an unsolicited sexual image in 2021 alone.

Indecent exposure is a crime in Maryland, [punishable by a \\$1,000 fine, 3 years’ imprisonment, or both](#)—however, when these images are shared digitally, there is no such penalty issued, despite the fact that it can be just as disturbing and traumatizing to those who fall victim to it.

These images can be particularly traumatizing for sexual assault survivors, who deserve to exist in public spaces without fear that they will be retraumatized by images they did not consent to receiving.

Other states, including [Texas](#) and [Virginia](#), have passed legislation that criminalizes cyberflashing with enforced penalties for cyberflashing and [California](#) has a cause of action similar to what HB 670 would create in Maryland. When this issue was first introduced in the Maryland General Assembly in 2023 the Maryland Office of the Attorney General provided advice that they believed those frameworks applied to Maryland law would be unconstitutional.

This new version of the bill addresses the Attorney General's concern that, though sexually explicit, cyberflashing may be protected under the First Amendment. In order to address this concern, HB 670 includes the definition of "obscene" outlined in the Supreme Court's decision in [*Miller v. California*](#) (413 US.15 (1973)).

The inclusion of attorney's fees in addition to damages will hopefully embolden plaintiffs who may not have means to challenge their abusers to recover compensation for the emotional, physical, and financial harm caused. In addition, injunctive relief may be sought to end current and future distribution of said obscene material.

Conclusion: HB 670 would make Maryland a leader on the issue of preventing non consensual obscene sexual imagery by creating a civil remedy for victims of cyberflashing to sue the sender. The court may award damages, attorney's fees, and injunctive relief.

Thank you and I ask for a favorable report on HB 670.