

HB0663_RichardKaplowitz_FAV

02/19/2025

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TESTIMONY ON HB#0663 - POSITION: FAVORABLE

Civil Actions - Sexual Deepfake Representations and Revenge Porn

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#/0663, Civil Actions - Sexual Deepfake Representations and Revenge Porn

This bill offers protection to victims of the perversion of use of AI or other computer technology to create 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.¹

This bill will authorize a person to bring and maintain a civil action for defamation against another person who distributes a computer-generated visual representation that is indistinguishable from an actual visual representation of the person and falsely depicts the person with his or her intimate parts exposed or engaged in sexual activity. It clarifies what constitutes a visual representation for a certain prohibition against distributing a certain visual representation in a certain manner.

The Center for Advancing Safety of Machine Intelligence has noted this problem has spread from the adults to children in schools.²

The New York Times recently [reported](#) on another case of a public school having to deal with issues of students using deepfake and image rewriting technology to create nude and sexual images of other students in their school.

This bill will make it more costly for the purveyors of this misuse of AI and computer technology generated images to defame another person.

I respectfully urge this committee to return a favorable report on HB0663.

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

² <https://casmi.northwestern.edu/news/articles/2024/pornographic-deepfakes-in-schools.html>