January 31, 2025

The Honorable Luke Clippinger
Chair
House Judiciary Committee
Maryland House of Delegates
Taylor House Office Building, Room 101
6 Bladen Street, Annapolis, MD 21401

*RE: HB 5 (Wilson) - Criminal Law - Child Pornography - Artificial Intelligence
Software – Favorable with Amendments*

Dear Chair Clippinger and Members of the Committee,

On behalf of TechNet, I'm writing to provide remarks on HB 5 related to artificial
intelligence and computer-generated images.

TechNet is the national, bipartisan network of technology CEOs and senior
executives that promotes the growth of the innovation economy by advocating a
targeted policy agenda at the federal and 50-state level. TechNet's diverse
membership includes dynamic American businesses ranging from startups to the
most iconic companies on the planet and represents over 4.5 million employees and
countless customers in the fields of information technology, artificial intelligence, e-
commerce, the sharing and gig economies, advanced energy, transportation,
cybersecurity, venture capital, and finance. TechNet has offices in Austin, Boston,
Chicago, Denver, Harrisburg, Olympia, Sacramento, Silicon Valley, Tallahassee, and
Washington, D.C.

Artificial intelligence has the potential to help us solve the greatest challenges of
our time. It is being used to predict severe weather more accurately, protect
critical infrastructure, defend against cyber threats, and accelerate the development
of new medical treatments, including life-saving vaccines and ways to detect earlier
signs of cancer. However, recognizing and addressing the genuine risks associated
with AI is crucial for its responsible advancement.

TechNet members are active in developing protections against the creation,
storage, and distribution of child sexual abuse materials (CSAM) already, and
members collaborate with one another to better fight CSAM. TechNet members
also assist and collaborate with law enforcement to combat CSAM, and many
companies maintain dedicated teams to handle data requests from law
enforcement, including the ability to respond around the clock to emergencies
involving imminent harm. We want to ensure that companies can continue to aid

law enforcement with the information they need to successfully investigate and prosecute cases involving CSAM.

We appreciate the intent of this bill and agree conceptually with its overarching premise. TechNet and its members want to ensure that bad actors are the ones held liable, and ultimately accountable, and not the platform or online service they may have used to distribute this harmful material.

We believe that any liability should be squarely on the bad actor: the person creating, viewing, promoting, or distributing CSAM, regardless of whether that material is created using artificial intelligence or otherwise. As such, we request the following exemption language:

- **As such terms are defined in 47 U.S.C. § 230, an interactive computer service is not liable for content provided by another person in violation of this act.**

Any bill should consider companies' work to prevent the creation and proliferation of CSAM content on their services. We are requesting language that clarifies that those actions, which are consistent with the broader objectives of a bill, would not erroneously lead to liability.

- **No civil or criminal charge for violations under this Act may be brought arising from actions taken to prevent, detect, protect against, report, or respond to the production, generation, incorporation, or synthesization of child sex abuse material.**

Finally, we request both actual knowledge and intent requirements throughout the bill.

- On page 2, line 17, we request that the "or" be changed to **and.**

Thank you for your consideration of our comments and please don't hesitate to reach out with any questions.

Sincerely,

Margaret Durkin

Margaret Durkin
TechNet Executive Director, Pennsylvania & the Mid-Atlantic