MCASA
Maryland Coalition Against Sexual Assault

Working to end sexual violence in Maryland

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Testimony Supporting House Bill 803
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute which provides direct legal services for survivors across the State of Maryland. We urge the Judiciary Committee to report favorably on House Bill 803.

House Bill 803 – Revenge Porn – Computer Generated Visual Representations
This bill is expands the current "revenge porn" statute, Criminal Law §3-809, to include a broader range of images, including "deep-fakes" and similar depictions.

Revenge Porn is the abhorrent practice of harming another person by distributing images of their intimate parts or sexual activities without their consent. Typically, this involves former romantic partners who have shared pictures of themselves willingly and one shares the pictures without the consent of the other to harm, harass, intimidate, threaten, or coerce the other person. The statute was carefully crafted to balance constitutional protections for free speech and the need to prohibit harmful conduct.

The advent of AI and more sophisticated computer technology creates a need to update the current statute. It is not difficult to create sexual images of someone that are wholly made up and also indistinguishable from an actual person. These images can cause significant emotional, reputational, and financial harm.

From the point of view of the person depicted, the harm caused by non-consensual sexual imagery abuse are the same whether the image is wholly, partially or completely false. Those viewing the image do not know whether an image is computer-generated or not, and they will make judgements about the person depicted either way. Consider the reactions of a potential employer, a romantic partner, a family member, or others who view these graphic and vulgar images. The harms are real and include practical financial issues, such as losing job opportunities, to serious psychological harms, with some victims even attempted suicide after learning pornographic images were posted.

House Bill 803 is one of several bills this session which address this issue. House Bill 803 addresses criminal penalties. The Senate has heard testimony on SB360 addressing civil and

criminal issues. Tomorrow, the Committee will hear a bill addressing both criminal and civil penalties, HB663, and in March, the Committee will hear a bill addressing criminal and civil penalties as well as creating a process to ensure materials are removed from the web, HB1428. To date, none of these bills have crossfiles. MCASA urges the Committee to create both criminal and civil remedies for survivors using whatever vehicles it deems appropriate.

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Judiciary Committee to
report favorably on House Bill 803