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VIA MYMGA

February 27, 2025

Sen. William C. Smith, Jr. – Chair
Sen. Jeff Waldstreicher – Vice Chair
Judicial Proceedings Committee
2 East Miller Senate Office Building
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: LETTER OF SUPPORT – SENATE BILL 736 (CRIMINAL LAW – OBSCENE MATTER – VISUAL REPRESENTATION OF CHILD)

Dear Chair and Members of the Committee:

On behalf of Women of Color for Equal Justice (WOC4EJ), we write in strong support of Senate Bill 736, sponsored by Senator Benson. Women of Color for Equal Justice is a national advocacy organization committed to advancing justice, equity, and protection for vulnerable communities, including survivors of human trafficking and child exploitation.

Through our public education and anti-trafficking initiatives (www.woc4equaljustice.org), we work to dismantle systems that enable sexual exploitation and online abuse of minors. SB 736 strengthens Maryland’s statutory framework addressing child sexual exploitation by:

- Expanding protection to children under 18 years of age (raising the age threshold from 16)
- Increasing criminal penalties for possession and intentional viewing of exploitative material
- Creating a civil cause of action for individuals depicted in unlawful visual representations
- Requiring an annual Attorney General report on enforcement and evolving technology, including computer-generated imagery

This legislation appropriately recognizes the evolving technological landscape—particularly AI-generated and computer-modified images that are “indistinguishable from an actual and identifiable child” —and closes dangerous gaps that traffickers and exploiters increasingly exploit.



The Scope of the Crisis

Child sexual exploitation is not hypothetical—it is measurable, growing, and increasingly digital.

- The National Center for Missing & Exploited Children (NCMEC) received 36.2 million reports of suspected online child sexual exploitation in 2023 through its CyberTipline.
- According to the U.S. Department of Justice, child sexual abuse material (CSAM) production and distribution are core drivers of domestic and international trafficking networks.
- The International Labour Organization estimates that millions of children worldwide are trapped in commercial sexual exploitation, much of which is facilitated through digital imagery.
- Law enforcement agencies report rapid growth in AI-generated exploitative imagery that mimics real minors, complicating prosecution and victim identification.

Digital exploitation is a pipeline into physical exploitation. Images are not passive—they are commodities. They are traded, monetized, and used to groom, coerce, and traffic children.

Why SB 736 Matters

1. Aligning Protection with Modern Standards

Raising the protected age from 16 to 18 aligns Maryland law with widely accepted definitions of a “minor” under federal trafficking and exploitation statutes. This eliminates ambiguity and ensures 17-year-olds receive full protection under state law.

2. Addressing AI-Generated Exploitation

The bill explicitly includes computer-generated images that are indistinguishable from real children. This is critical. Emerging AI tools allow offenders to fabricate hyper-realistic child exploitation material without direct contact, yet the harm is real:

- It fuels demand.
- It normalizes exploitation.
- It creates reputational and psychological harm for real minors whose likenesses are manipulated.



3. Meaningful Civil Remedies for Survivors

By authorizing a civil cause of action independent of a criminal conviction, SB 736 empowers survivors to seek redress. Survivors often face barriers to criminal prosecution. A civil pathway:

- Restores agency.
- Provides compensation for lifelong harm.
- Deters bad actors through financial accountability.

4. Data Transparency & Enforcement Modernization

The Attorney General reporting requirement ensures:

- Annual review of technological changes.
- Law enforcement guidance on AI detection.
- Public transparency regarding prosecutions.

This reporting mechanism is essential in a rapidly evolving digital ecosystem.

Disproportionate Impact on Communities of Color

Communities of color—particularly African-American and Latina girls—are disproportionately represented among trafficking victims in urban corridors. The U.S. Department of Health and Human Services and DOJ data consistently show racial disparities in trafficking victimization and recovery access.

Women of Color for Equal Justice advocates for systemic reforms that both protect vulnerable youth and ensure equitable enforcement. SB 736 advances both objectives.

Constitutional and Public Safety Balance

SB 736 is narrowly tailored to target unlawful visual depictions involving minors while preserving parental protections and affirmative defenses. The legislation focuses squarely on exploitative material and does not criminalize lawful expressive content.

Conclusion

SB 736 reflects necessary modernization of Maryland's criminal code to address:

- The technological evolution of child exploitation,
- The economic engine of trafficking,
- Survivor-centered civil remedies,
- And transparent enforcement oversight.



Women of Color for Equal Justice respectfully urges the Committee to issue a favorable report on Senate Bill 736. Protecting children from sexual exploitation—whether physical or digitally manufactured—is not partisan. It is a moral, legal, and public safety imperative.

Respectfully submitted,

/s/ Jo Saint-George

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Founder & Chief Legal Officer