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March 3, 2026

**TO:** The Honorable William Smith  
Chair, Judicial Proceedings Committee

**FROM:** Tiffany Clark  
Director, Legislative Affairs, Office of the Attorney General

**RE:** Senate Bill 736 – Criminal Law – Obscene Matter – Visual Representation  
of Child (Letter of Concern)

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The Office of the Attorney General (OAG) respectfully submits this letter of concern regarding Senate Bill 736 - Criminal Law – Obscene Matter – Visual Representation of Child. SB 736 increases penalties for possession of child sexual abuse material (CSAM), raises the protected age from under 16 to under 18 years, create a civil cause of action for depicted victims, and require the Attorney General to submit an annual report to the General Assembly on CSAM detection and enforcement.

While we appreciate the intent of this legislation to strengthen protections for child victims and equip law enforcement with updated tools to combat CSAM, we have identified the following considerations that warrant the Committee's attention:

- **Unfunded reporting mandate.** The bill would require the OAG to produce an annual report by December 1 of each year covering law enforcement best practices for detecting computer-generated CSAM, changes in relevant technology, and data on charges and prosecutions statewide under CR § 11-208. This is a new obligation for which the OAG currently has no dedicated staff, infrastructure, or funding.
- **Data collection burden.** The requirement to include data on charges and prosecutions statewide would necessitate collecting information from every State's Attorney's Office across Maryland's 24 jurisdictions, as well as the courts. The OAG does not currently

have a mechanism or authority to compel this data collection, and establishing one would require significant coordination and, potentially, additional statutory authority.

- **Workload and expertise demands.** Providing credible, current guidance to law enforcement on best practices for detecting computer-generated CSAM requires specialized expertise in rapidly evolving technology. While the bill allows the OAG to partner with other agencies or organizations to complete the report, the responsibility for producing and publishing the final product would still rest with the OAG, and partnerships do not eliminate the administrative and oversight burden.

We appreciate Senator Benson's work on this important issue and remain available to provide technical assistance or work collaboratively to address these considerations as the legislation progresses.

Cc: Members of the Committee