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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Joanne C. Benson
SB0736: Criminal Law - Obscene Matter - Visual Representation of Child

Good afternoon, Chairman Senator William C. Smith, Jr, and Senator Jeff Waldstreicher and the esteemed members of the Judicial Proceedings Committee.

SB0736 is a critical bill that is vital towards modernizing Maryland law to combat child exploitation significantly to include AI generated imagery. This bill aids in expanding protections and raise the age of images used by artificial intelligence from 16 to 18 years old. This includes computer generated images that are indistinguishable from children addressing a severe privacy concern of users, most importantly children, from their likeness being used or abused without permission. With the expansion of powerful technology important guardrails should come to protect the children of Maryland, from explicit abuses coming from unwanted entities or people. This legislation is carefully drafted and does not apply drawings, cartoons, sculptures, or paintings, ensuring that protected expression remains unaffected while still protecting children.

Increasing the maximum age from 16 to 18 of a certain child that may not be depicted in certain visual representations; altering the penalties for knowingly possessing and intentionally retaining, and knowingly or intentionally accessing or viewing, certain visual representation; authorizing a person depicted in a certain visual representation bring a certain civil action; and requiring the Attorney General to submit a certain annual report by December 1.

This problem of unauthorized artificial intelligence plagues our children and school systems and needs to be penalized to protect our innocent children from the harm and abuse of the internet in the age of AI. This bill would allow victims to bring civil action for damages and would help to deter further exploitation from unwarranted actors. SB0736 helps to close many of the technology loopholes in the age of AI image manipulation that would negatively affect children leading to severe bullying, mental health issues, and in worse cases suicide. This bill is essential to protect our children in these new unprecedented times and create a level of transparency and accountability with annual reporting requirements. Within the bill it requires annual reporting for the Attorney General on enforcement trends to help make more informed decisions on this bill.

We must now support SB0736 to ultimately make a positive impact on the next generations. This bill positions Maryland as a leader in protecting children against modern digital exploitation. The great state of Maryland must now join Alabama, California, Pennsylvania, Illinois and many other states in taking a stand against abuses of Artificial Intelligence upon our children. We must take responsibility and action now, to make sure that we protect not only the children of today but upon our children of tomorrow, who are forced to live in the era of AI.

Thus, I respectfully urge a favorable report on SB0736 and thank you for your consideration.