

# **SB0736\_Criminal\_Law\_Obscene\_Matter\_Visual\_Represen**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR SB0736 Criminal Law - Obscene Matter - Visual Representation of Child

**Bill Sponsor:** Senator Benson  
**Committee:** Judicial Proceedings  
**Organization Submitting:** Maryland Legislative Coalition  
**Person Submitting:** Cecilia Plante, co-chair  
**Position:** FAVORABLE

I am submitting this testimony in favor of SB0736 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Protecting children is hard today with social media and AI. Child pornography has been a problem for decades, but with newer technology, it is imperative that we set strict laws to protect a child from predators and also from being exploited in ways that their friends and neighbors can gain access.

This bill, if enacted, would raise the penalties from 5 to 10 years in jail and the fine from \$2,500 to \$25,000 for anyone who intentionally accesses and views a film, videotape, photograph, or other visual representation showing an actual child or a computer-generated image that is indistinguishable from an actual and identifiable child who is engaged as a subject of sadomasochistic abuse; engaged in sexual conduct; or in a state of sexual excitement. It also raises the age for the definition of a child from 16 to 18 years of age. For persons with prior convictions, the penalty goes from 10 to 20 years and the fine from \$10,000 to \$50,000.

The child may bring a civil suit in these cases and may be awarded –

- actual damages
- punitive damages not exceeding \$250,000
- reasonable attorney's fees and costs
- any other appropriate relief

Our members feel that these stricter penalties and the ability to sue for damages are more in line with the kinds of protections that our children need and deserve.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

# **SB736**

Uploaded by: Diana Philip

Position: FAV

## THE COALITION TO PROTECT MARYLAND'S CHILDREN

*Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and wellbeing.*



**SB0736 - Criminal Law - Obscene Matter -  
Visual Representation of Child  
Judicial Proceedings Committee  
March 3, 2026**

**Position: SUPPORT**

The Coalition to Protect Maryland's Children is a consortium of organizations and individuals formed in 1992 who are concerned about the care of Maryland's most vulnerable children and work together to educate and promote meaningful child welfare reform. **CPMC urges a favorable report on SB0736 - Criminal Law - Obscene Matter - Visual Representation of Child.**

Maryland's current laws are falling behind the digital curve, leaving our children vulnerable to increasingly sophisticated forms of exploitation. SB0736 represents a modernization of Maryland's child protection framework by closing technological loopholes and aligning legal definitions with the reality of digital exploitation. This legislation closes a critical gap in current law by extending protections to all minors under the age of 18 and by explicitly addressing computer-generated images that are indistinguishable from actual children. This change aligns Maryland's statute with federal law and the laws of most other states, ensuring that all minors receive consistent and comprehensive protection.

The bill also centers victims by providing a civil cause of action, recognizing the lifelong trauma associated with exploitation and offering a meaningful path toward accountability and recovery. This path toward accountability provides a comprehensive, transparent, and victim-centered approach to combating exploitation. Furthermore, the bill shifts the power dynamic back to survivors by authorizing a civil cause of action for those depicted in these materials. In addition, the required annual report from the Attorney General will help ensure that policymakers and law enforcement remain informed about emerging technologies, enforcement trends, and best practices.

It is for these reasons that the Coalition to Protect Maryland's Children **urges a favorable report on SB0736 - Criminal Law - Obscene Matter - Visual Representation of Child.**<sup>1</sup>

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<sup>1</sup> Members of CPMC represented by this written testimony include Arrow Child & Family Ministries, Child Justice, Center for Hope, Court Appointed Special Advocates (CASA - Baltimore County), Maryland Association of Resources for Families and Youth (MARFY), Maryland Children's Alliance, Maryland Coalition Against Sexual Assault, Maryland Network Against Domestic Violence, National Association of Social Workers – MD (NASW), and the State Council on Child Abuse & Neglect.

# **Women of Color 4 Equal Justice - Support SB736.pdf**

Uploaded by: Jo Saint-George, Esq.

Position: FAV



*Jo Saint-Georg, Esq.*  
*Phone: 602-326-8663*  
*E-mail:*  
*jo@woc4equaljustice.org*

**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](http://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

Jo Saint-George, Esq.

Founder & Chief Legal Officer

# **Child Porn - testimony - senate - 2026 - SB736 FAV**

Uploaded by: Lisae C Jordan

Position: FAV



**violence in Maryland**

**Working to end sexual**

P.O. Box 8782  
Silver Spring, MD 20907  
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For more information contact:  
Lisae C. Jordan, Esquire  
443-995-5544  
mcasa.org

**Testimony Supporting Senate Bill 736**  
**Lisae C. Jordan, Executive Director & Counsel**  
March 3, 2026

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 (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 736

**Senate Bill 736 – Child Sexual Abuse Materials – Modernization and Survivor Rights**

This bill is a long overdue modernization of laws regarding child sexual abuse materials (sometimes referred to as child pornography). The bill increases the maximum age from 16 to 18 of children in the definition of prohibited materials, increases penalties, and provides for additional civil remedies for survivors.

Victims portrayed in child sexual abuse materials suffer long lasting and repeated harm. They are sexual abused during the creation of the images, and then these victims experience repeated harm as the pictures of their abuse are circulated. The material travels the web, around the world, and is shared by the sex offenders interested in exploiting children by viewing their sexual abuse. SB736 increases protections for survivors who are minors, including those who were 16 or 17 during the creation of the materials. Critically, it also creates additional rights to sue those who create and use this material, diminishing their ability to profit from harming minors.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on Senate Bill 736**



# **Final Testimony SB736.pdf**

Uploaded by: Oluwatosin Afolabi

Position: FAV

**JOANNE C. BENSON**  
*Legislative District 24*  
Prince George's County

MAJORITY WHIP

Budget and Taxation Committee

*Subcommittees*

Education, Business, and Administration

Pensions

Chair, Procurement

*Joint Committees*

Audit and Evaluation Committee

Children, Youth, and Families

Ending Homelessness

Fair Practices and  
State Personnel Oversight



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Joanne.Benson@senate.state.md.us

**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.

**SB 736 FAV Peggy Cairns MCAP SJPtestimony.pdf**

Uploaded by: Peggy Cairns

Position: FAV

# Maryland Coalition Against Pornography, Inc.

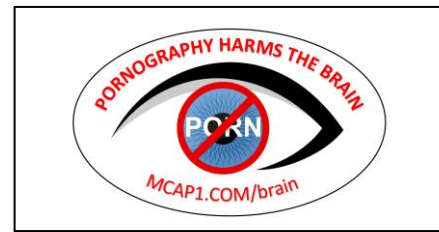
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March 3, 2026

Chairman, Will Smith  
Judicial Proceedings Committee, Maryland Senate

## Advisory Board

*Dave Brown*

Director

Washington Area

Christian Men's

Ministries

*Donna Rice Hughes*

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"Enough Is Enough"

*Dr. Jerry Kirk*

Chairman and Founder

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*Rev. Derek McCoy*

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Christ Kingdom Church

*Roberta Roper*

Maryland Crime Victims'

Resource Center, Inc.

*Patrick A. Trueman*

President Emeritus

National Center on

Sexual Exploitation

*Dr. Ann Yeck*

Marriage and Family

Therapist

Licensed Psychologist

*The Rev. Curtis Young*

Pastor Emeritus

Presbyterian Church

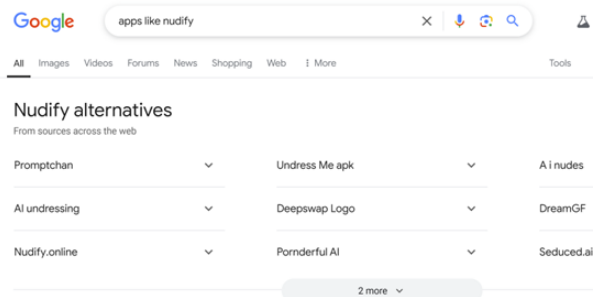
of the Atonement

## In support of SB 736

MCAP thanks Senator Benson for sponsoring this bill and this committee for its hearing. We add our voices to those who are pointing to the need for addressing the explosion of AI-generated child pornography. The National Center for Missing and Exploited Children (CMEC) cited these statistics in their most recent CyberTipline annual report.



Sadly, horrifyingly, the advent of artificial intelligence has brought about a burgeoning new frontier of criminal opportunities to create extremely realistic virtual child pornography. It is unbelievably easy and free to create, and the apps are proliferating..



We also commend enabling civil actions as options for victims. The threat of lawsuits for damage will become widely known and a deterrent to this despicable, exploitative behavior.

We also wish to recommend that Maryland law might change the terminology, such that child pornography be called **Child Sexual Abuse Material**, or **CSAM**. Why? Please see *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse* (Adopted by the Interagency Working Group in Luxembourg, 2016) - <https://ecpat.org/wp-content/uploads/2021/05/Terminology-guidelines-396922-EN-1.pdf>.

Respectfully submitted,

**Peggy Cairns**

Education Chairperson

Silver Spring, MD

# **SB 736\_ Criminal Law - Obscene Matter - Visual Re**

Uploaded by: Trudy Tibbals

Position: FAV

**SB 736:** Criminal Law - Obscene Matter - Visual Representation of Child: Please vote to **SUPPORT** this bill.

Dear Judicial Proceedings Committee:

I am writing to strongly urge you to **SUPPORT SB 736** during the upcoming hearing in the Judicial Proceedings Committee on March 3, 2026.

**SB 736** would update Maryland's laws on obscene matter and visual representations of children by **raising the protected age from under 16 to under 18** for depictions involving sexual conduct, sadomasochistic abuse, or states of sexual excitement **(including computer-generated or simulated images that are indistinguishable from real minors)**. It also **strengthens penalties for possession, retention, access, and viewing of such material; allows victims depicted in these representations to pursue civil actions**; and requires the Attorney General to provide annual reporting on enforcement.

With the rise of AI-generated and computer-simulated child sexual abuse material, current law's age limit of 16 **leaves 16- and 17-year-olds inadequately protected against exploitation in obscene visual content**. Extending protections to under 18 aligns with federal standards (e.g., 18 U.S.C. § 2256 defining "minor" as under 18 for child pornography) and recognizes that minors up to age 17 remain vulnerable to sexual abuse and exploitation. These reforms close dangerous gaps, **deter creation and distribution of harmful material, enhance prosecution tools, and provide civil remedies for victims**—critical steps to combat the growing threat of digital child exploitation without infringing on legitimate expression.

**Maryland must prioritize the safety and dignity of all minors by modernizing these laws to address evolving technology and ensure consistent, robust protections against child sexual abuse imagery in any form.**

For these reasons, I respectfully ask you to vote **in favor of SB 736** and help strengthen safeguards for children in our state.

Thank you for your time and consideration of this vital child protection legislation.

Sincerely,

Trudy Tibbals

**2026 3 3 SB 736 Penalty Increase OPD UNF.docx.pdf**

Uploaded by: Elizabeth Hilliard

Position: UNF



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**HANNIBAL KEMERER**  
CHIEF OF STAFF

**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

**BILL: Senate Bill 736 – Criminal Law – Obscene Matter – Visual Representation of Child**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: March 3, 2026**

**The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 736.**

The Maryland Office of the Public Defender only opposes the provision of Senate Bill 736 that doubles the current incarceration period for a violation of Criminal Law § 11–208, possession of visual representation of child engaged in certain sexual acts.

**We know that longer sentences do not deter crime.** Certainty and swiftness of a conviction are the primary ways that the criminalization of behavior works to deter that behavior. Research shows that the chance of being caught is a vastly more effective deterrent than even draconian punishment.<sup>1</sup> Findings from the National Intimate Partner and Sexual Violence Survey highlight the importance of early prevention and support efforts. According to NISVS these efforts can include:

- Empowering everyone to understand, recognize, and address stalking.
- Mobilizing men and boys as allies in prevention efforts.
- Enacting programs and policies that promote healthy relationships and safe environments.

Prioritizing prevention and education and investing in community resources, infrastructure, and systemic supports.

Survivors of violence are not always looking for an increased incarceration. It follows that the domestic violence community is moving away from carceral solutions to violence. For example, the House of Ruth has started a hotline for abusers to call to seek treatment and preventative strategies. These innovative interventions are to be commended in lieu of doubling prison sentences for conduct that is already criminalized. Senate Bill 736 is not a step in the right direction.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 736.**

**Submitted by: Government Relations Division of the Maryland Office of the Public Defender.**

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<sup>1</sup> <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>.

# **2026\_03\_03 SB 736 Obscene Matter - Visual Represen**

Uploaded by: Tiffany Clark

Position: INFO

**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

**SHARON S. MERRIWEATHER**  
*Deputy Attorney General*

**ZENITA WICKHAM HURLEY**  
*Deputy Attorney General*



**PETER V. BERNS**  
*General Counsel*

**CHRISTIAN E. BARRERA**  
*Chief of Staff*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

**ANTHONY G. BROWN**  
*Attorney General*

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