

Unfavorable Response to HB924 Child Exploitation Material - Civil and Criminal Actions

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies. The goal of preventing youthful exposure to harmful sexual exploitation materials is a worthy one to consider. Unfortunately, HB924 seems to be trying to do too much.

In the proposed Courts article 3-2703, online platforms would be prohibited from creating, developing, sharing, selling delivering or in any way disseminating unlawful child exploitation material (CEM), creating a legal liability for any such CEM on the platforms. This in turn would allow parents and guardians of minors to sue the platform for nominal or actual damages, court costs, punitive damages, and reasonable attorney fees and litigation costs including expert witness and court reporter fees.

Parents and guardians can sue not only if their child is depicted in the CEM but also if they are exposed to it. There are no guardrails for this, which could result in frivolous lawsuits. For instance, kids could be searching for stuff on the internet after school using their Comcast account and are exposed to CEM. They tell their parents and then the parents sue Comcast. And then Comcast has to defend itself that it didn't "knowingly and intentionally" put it there. Lots of money wasted on all sides of this.

There also are no limits applied to the range of damages and remuneration the parent/guardian can seek. Despite the exemptions provided to platforms in Courts article 3-2702, this puts a very heavy burden on ISPs, websites, and gaming platforms to prove no malicious intent with no such burden on their accusers.

For these reasons FAIR urges the committee to vote NO on this bill.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries