

SENATE BILL 362

E1

5lr1240
CF 5lr3287

By: **Senators Hester and Hettleman**

Introduced and read first time: January 17, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Forged Digital Likenesses – Distribution – Prohibition**

3 FOR the purpose of providing that the distribution of a certain forged digital likeness to
4 another constitutes a statement or communication for the purpose of an action for
5 defamation; prohibiting a person from knowingly distributing a certain forged digital
6 likeness under certain circumstances; and generally relating to forged digital
7 likenesses.

8 BY adding to
9 Article – Courts and Judicial Proceedings
10 Section 3–505
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2024 Supplement)

13 BY adding to
14 Article – Criminal Law
15 Section 8–906
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2024 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Courts and Judicial Proceedings**

21 **3–505.**

22 **(A) IN THIS SECTION, “FORGED DIGITAL LIKENESS” HAS THE MEANING**
23 **STATED IN § 8–906 OF THE CRIMINAL LAW ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(B) THE DISTRIBUTION OF A FORGED DIGITAL LIKENESS TO ANOTHER
CONSTITUTES A STATEMENT OR COMMUNICATION FOR THE PURPOSE OF AN ACTION
FOR DEFAMATION.

Article – Criminal Law

8–906.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) “FORGED DIGITAL LIKENESS” MEANS A COMPUTER–GENERATED
VISUAL REPRESENTATION OF AN ACTUAL AND IDENTIFIABLE INDIVIDUAL OR AUDIO
RECORDING OF AN ACTUAL AND IDENTIFIABLE INDIVIDUAL’S VOICE THAT:

(I) HAS BEEN CREATED, ADAPTED, OR MODIFIED TO BE
INDISTINGUISHABLE FROM A GENUINE VISUAL REPRESENTATION OR AUDIO
RECORDING OF THE INDIVIDUAL;

(II) MISREPRESENTS THE APPEARANCE, SPEECH, OR BEHAVIOR
OF THE INDIVIDUAL; AND

(III) IS LIKELY TO DECEIVE A REASONABLE PERSON TO BELIEVE
THAT THE VISUAL REPRESENTATION OR AUDIO RECORDING IS GENUINE.

(3) “VISUAL REPRESENTATION” INCLUDES A PICTORIAL OR MOTION
PICTURE REPRESENTATION, REGARDLESS OF THE MEDIA USED.

(B) THIS SECTION DOES NOT APPLY TO THE DISTRIBUTION OF:

(1) A DRAWING;

(2) A CARTOON;

(3) A SCULPTURE; OR

(4) A PAINTING.

(C) A PERSON MAY NOT KNOWINGLY DISTRIBUTE A FORGED DIGITAL
LIKENESS IF THE PERSON:

(1) DISTRIBUTES THE FORGED DIGITAL LIKENESS AS GENUINE; AND

1 **(2) KNOWS OR REASONABLY SHOULD KNOW THE FORGED DIGITAL**
2 **LIKENESS IS NOT A GENUINE VISUAL REPRESENTATION OR AUDIO RECORDING.**

3 **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
4 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A**
5 **FINE NOT EXCEEDING \$1,000 OR BOTH.**

6 **(E) IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER THIS**
7 **SECTION THAT THE DEFENDANT TOOK REASONABLE ACTION TO PLACE VIEWERS OR**
8 **LISTENERS OF THE FORGED DIGITAL LIKENESS ON NOTICE THAT THE FORGED**
9 **DIGITAL LIKENESS WAS NOT GENUINE.**

10 **(F) THIS SECTION MAY NOT BE CONSTRUED IN A MANNER THAT INFRINGES**
11 **ON THE RIGHT TO FREE SPEECH OR OF THE PRESS AS GUARANTEED BY THE FIRST**
12 **AMENDMENT OF THE UNITED STATES CONSTITUTION OR THE MARYLAND**
13 **DECLARATION OF RIGHTS.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2025.