

HOUSE BILL 670

D3

5lr2267

By: **Delegates Lopez, Allen, and Kaufman**

Introduced and read first time: January 24, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Unsolicited Obscene Material**

3 FOR the purpose of prohibiting a person from knowingly sending by electronic means to
4 another person an image or a video depicting obscene material that the sender knows
5 or reasonably should know is unsolicited; authorizing a person to bring an action
6 against a person who violates this Act; exempting certain entities and individuals
7 from this Act; and generally relating to civil actions against a person who sends
8 unsolicited obscene material to another person.

9 BY adding to

10 Article – Courts and Judicial Proceedings

11 Section 3–2601 through 3–2604 to be under the new subtitle “Subtitle 26. Civil
12 Actions for Sending Unsolicited Obscene Material”

13 Annotated Code of Maryland

14 (2020 Replacement Volume and 2024 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 **SUBTITLE 26. CIVIL ACTIONS FOR SENDING UNSOLICITED OBSCENE MATERIAL.**

19 **3–2601.**

20 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(B) (1) “OBSCENE MATERIAL” MEANS MATERIAL THAT, TAKEN AS A**
23 **WHOLE:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(I) AN AVERAGE ADULT, APPLYING CONTEMPORARY COMMUNITY STANDARDS, WOULD FIND APPEALS TO THE PRURIENT INTEREST;

(II) DEPICTS OR DESCRIBES SEXUAL CONDUCT IN A WAY THAT IS PATENTLY OFFENSIVE TO PREVAILING STANDARDS IN THE ADULT COMMUNITY; AND

(III) LACKS SERIOUS ARTISTIC, EDUCATIONAL, LITERARY, POLITICAL, OR SCIENTIFIC VALUE.

(2) "OBSCENE MATERIAL" INCLUDES IMAGES OR VIDEO DEPICTING A PERSON ENGAGING IN AN ACT OF SEXUAL INTERCOURSE, SODOMY, ORAL COPULATION, SEXUAL PENETRATION, OR MASTURBATION, OR DEPICTING THE EXPOSED GENITALS OR ANUS OF ANY PERSON.

(C) "UNSOLICITED" MEANS THE RECIPIENT HAS NOT CONSENTED TO OR HAS EXPRESSLY FORBIDDEN THE RECEIPT OF THE IMAGE OR VIDEO.

3-2602.

THIS SUBTITLE DOES NOT APPLY TO:

(1) AN INTERNET SERVICE PROVIDER, A MOBILE DATA PROVIDER, OR AN OPERATOR OF AN ONLINE OR MOBILE APPLICATION, TO THE EXTENT THAT THE ENTITY IS TRANSMITTING, ROUTING, OR PROVIDING CONNECTIONS FOR ELECTRONIC COMMUNICATIONS INITIATED BY OR AT THE DIRECTION OF ANOTHER PERSON;

(2) ANY SERVICE THAT TRANSMITS IMAGES OR AUDIOVISUAL WORKS, INCLUDING AN ON-DEMAND, SUBSCRIPTION, OR ADVERTISING-SUPPORTED SERVICE; OR

(3) A HEALTH CARE PROVIDER TRANSMITTING AN IMAGE FOR A LEGITIMATE MEDICAL PURPOSE.

3-2603.

A PERSON MAY NOT KNOWINGLY SEND BY ELECTRONIC MEANS TO ANOTHER PERSON AN IMAGE OR A VIDEO CONTAINING OBSCENE MATERIAL THAT THE SENDER KNOWS OR REASONABLY SHOULD KNOW IS UNSOLICITED.

3-2604.

1 **(A) A PERSON WHO SUFFERS HARM AS A RESULT OF RECEIVING AN IMAGE**
2 **OR A VIDEO IN VIOLATION OF § 3-2603 OF THIS SUBTITLE MAY BRING AN ACTION**
3 **FOR ECONOMIC AND NONECONOMIC DAMAGES PROXIMATELY CAUSED BY THE**
4 **RECEIPT OF THE IMAGE OR VIDEO, INCLUDING DAMAGES FOR EMOTIONAL**
5 **DISTRESS.**

6 **(B) IF THE RECEIPT OF THE IMAGE OR VIDEO IN VIOLATION OF § 3-2603 OF**
7 **THIS SUBTITLE WAS EXPRESSLY FORBIDDEN BY THE PERSON BRINGING AN ACTION**
8 **UNDER THIS SUBTITLE, THE PERSON MAY ADDITIONALLY SEEK AND BE AWARDED,**
9 **ON REQUEST AND BEFORE THE FINAL JUDGMENT IS RENDERED:**

10 **(1) STATUTORY DAMAGES NOT EXCEEDING \$30,000 AND NOT LESS**
11 **THAN \$1,500; AND**

12 **(2) PUNITIVE DAMAGES.**

13 **(C) A PERSON BRINGING AN ACTION UNDER THIS THIS SUBTITLE MAY ALSO**
14 **SEEK AND BE AWARDED:**

15 **(1) REASONABLE ATTORNEY'S FEES;**

16 **(2) COURT COSTS;**

17 **(3) INJUNCTIVE RELIEF; AND**

18 **(4) ANY OTHER AVAILABLE RELIEF.**

19 **(D) THE REMEDIES PROVIDED IN THIS SECTION ARE CUMULATIVE AND MAY**
20 **NOT BE CONSTRUED AS RESTRICTING ANY OTHER REMEDY THAT IS AVAILABLE**
21 **UNDER LAW.**

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