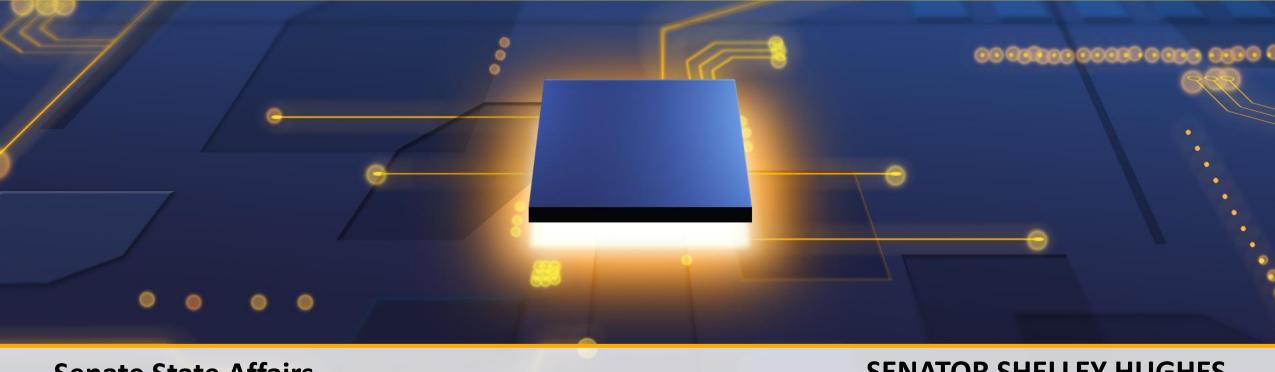# SENATE BILL 2
Artificial Intelligence

Senate State Affairs

SENATOR SHELLEY HUGHES
Eleilia Preston, Legislative Aide

Defining A.I.

ARTIFICIAL INTELLIGENCE:

falls into two primary categories:

GENERATIVE:

Machine-based system designed to operate with varying levels of autonomy that may exhibit adaptiveness after deployment and that, for explicit or implicit objectives, infers how to generate outputs from input the system receives.

RULES-BASED:

Computational program or algorithm designed to process information in a logical way that does not produce inferential output beyond its original programming and query parameters.

Why now? Why here?

✓ **WHY NOW? A.I. is here. It is evolving at lightening speed. We cannot stop it. We cannot ignore it.**

"A.I. is a tool and in itself is not inherently evil. Our job is to protect against bad actors and harness A.I. for good the very best we can."
-Senator Shelley Hughes

✓ **WHY HERE? Congress is unlikely to unite on parameters and best practices anytime soon. State legislatures are more nimble and ready to mitigate the harm and bridle the benefits of A.I.**

Why this focus?

1. **State Agency Use of A.I.**

   a) Targeting private sector development and deployment would stifle innovation and be a fool's errand for a state with a small population.

   b) Setting the parameters for state agency use is necessary

      i. to safeguard the public

      ii. to ensure appropriate deployment that will offer efficiencies and solutions for the workplace

2. **Political Deepfakes**

   a) No time to waste. Elections occur every year.

   b) In general, lack of trust ➡ chaos.

A Good Starting Point
AGREEING ON AI PRINCIPLES

- Differentiate between tool and actor
  - Protect against bad actors
  - Support innovation for beneficial uses
- Aim for tech neutrality
- Assign human oversight and responsibility
- Maintain transparency
- Avoid harm/injury
- Respect sensitive personal data privacy and security
- Embrace data hygiene
- Avoid creating/reinforcing unfair bias
- Uphold laws and protect individual rights

SB 2 » What it does   ~*high level*

1. Adds disclosure statement requirements for political deepfake communications.

2. Adds new sections regarding state agency use of artificial intelligence and individuals' data.

3. Adds section to allow persons who suffers harm to bring civil action to superior court.

SB 2 » What it does   *~a bit in the weeds*

Requires biennial inventory and report of AI systems being used by state agencies published on DOA website.

1. Name and vendor of system
2. General capabilities and uses
3. Most recent impact assessment completed date

Requires biennial impact assessments to determine efficacy and continued use of systems.

SB 2 » What it does   *~a bit in the weeds*

Impact Assessment

1. System efficacy

2. Human oversight

3. Accountability mechanisms

4. Decision appeals process

5. Benefits, liability, and risks to state

6. Effects on liberty, finances, livelihood, and privacy interests of individuals, including effects from geolocation data use.

7. Unlawful discrimination or disparate impact on individual or group

8. Policies and procedures governing process of A.I. system use for consequential decision-making.

SB 2 » What it does ~*a bit in the weeds*

Requires state agencies to

1. Notify individuals who may be legally or significantly affected

2. Obtain individual's consent before soliciting or acquiring sensitive personal data or sharing data with another state agency*

3. Provide appeals process including manual human review

4. Inform and acquire consent if AI used in hiring interview video

5. When outsourced, multi-factor authentication must secure system and stored data

SB 2 » What it does   ~a bit in the weeds

Prohibits* state agencies from using

1. Biometric identification e.g., facial recognition

2. Emotion recognition

3. Cognitive behavioral manipulation of individuals or groups

4. Social scoring

5. AI systems that use data hosted in hostile nations

*With provisional exceptions for Department of Safety

Deepfakes in Elections

- **USA:**   Voice altered to sound like Biden urged voters in New Hampshire not to cast ballots.

- **USA:**   A video linked back to a Russian disinformation campaign accused Harris of being involved in a hit-and-run accident.

- **TURKEY:**   News outlet published deepfake video showing a party endorsing opposition; presidential candidate withdrew from race due to a deepfake "sex tape" video.

- **SLOVAKIA:**   Leader Michal Šimečka was depicted as saying he would raise the price of beer and had plans to rig the election.

Deepfakes in Elections

"The fact-checkers trying to hold the line against disinformation on social media in Slovakia say their experience shows AI is already advanced enough to disrupt elections, while they lack the tools to fight back."

(Morgan Meaker, *The Wired*, 2023)

Deepfake Solutions

- Power of disclosure

  - Establish norms, standards, and laws **now**

  - People can discount untruths

- Enforcement and penalties are necessary

- Injunctive relief is important

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THANK YOU

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