

SENATE BILL 177

Artificial Intelligence

Senate State Affairs
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SENATOR SHELLEY HUGHES
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Defining A.I.

ARTIFICIAL INTELLIGENCE:

an automated system that uses data input, human-defined objectives, machine learning, natural language processing, or other computational processing techniques of similar or greater complexity to make a decision or facilitate human decision-making.

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) It's 2024! Elections are around the corner.
- 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 177 » 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 individual who suffers harm to bring civil action to superior court

SB 177 » 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. Whether impact assessment completed prior to implementation
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Requires biennial impact assessments published on DOA website.

SB 177 » 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 177 » What it does *~a bit in the weeds*

Requires state agencies to

1. Notify individuals who may be legally or significantly affect
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 outsource, multi-factor authentication must secure system and stored data

SB 177 » 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.

Process Checks and Balances

➤ Transparent

- What are we doing (algorithmic assessment made public)

➤ Explainable

- Why are we doing it

➤ Conservative

- Within scope and purpose only

➤ Accountable

- Human oversight
- Developer
- Deployer
- User
- Regular audits/assessments, and retraining as-needed
- Secure data storage

Deepfakes in Elections

Generative A.I. can convincingly imitate elected leaders and other public figures.

AI tools can synthesize audio in any person's voice and generate realistic still and moving visuals of almost anyone doing anything.

The proliferation of “synthetic media” poses challenges to the functioning of our constitutional republic when such communications can deprive the public of the accurate information it needs to make informed decisions in elections.

Deepfakes in Elections

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

Examples of Deepfake Images



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Examples of Deepfake Videos



Examples of Deepfake Videos



Examples of Deepfake Videos



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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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Artificial Intelligence

THANK YOU

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