

**Bill Number: SB 905**

**Scott D. Shellenberger, State's Attorney for Baltimore County  
Support**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN SUPPORT OF SENATE BILL 905**  
**ARTIFICIAL INTELLIGENCE AND DEEPPFAKE REPRESENTATIONS**

I write in support of Senate Bill 905 which fills a large gap in this day and age of committing crimes using computers and more specifically Artificial Intelligence.

What if you are a County Executive, a Police Chief or a State Senator and there is someone out there who has a grudge against you. Nowadays they can get revenge by using Artificial Intelligence to take prior statements or videos you have made that have been recorded and turn that into anti-racial or anti-anything and make those statements very public. What if that audio/video is released to the public and causes regular people to get angry and upset at you. What if people are so upset that you need police protection. Right now in Maryland we do not have a statutory crime to charge that person. There is a hole in the Law that needs to be filled to make the crimes of today and the way they can be committed punishable. We need SB 905 to fill a gap in the Law.

The scenario I just outlined is not a made up story, it really happened. As you know Baltimore County has such a case and because it is a pending trial I will not talk about the facts or details of that case. When that incident happened I picked up this book, Criminal Laws, and searched and searched and found nothing directly on point to what they did. While I like Senate Bill 362 for its simplicity perhaps we need more maybe both.

Senate Bill 905 fills that gap by making it a crime to use Forged Digital Likeness to misrepresent and likely to deceive. Senate Bill 905 uses the word Forged Digital Likeness that is defined as a visual representation of a person or audio recording of an identifiable person's voice. That's the one we needed in the Pikesville case. Under the new Law we must prove that it was created to imitate how the person looks or sounds. The key is the state must prove that it is likely to deceive a reasonable person. That would provide the needed Law if it ever happens to a County Executive of Police Chief or a Senator.

Senate Bill 905 expands on this by not just outlawing the use of visual or audio imitation but expands upon those by adding photographs, a film, video, digital image, a picture or computer generated image, etc. Senate Bill 905 is trying to out law what criminals are likely to develop in the years to come.

I envision an age when a grandparent may get an urgent Facetime with who the grandparent believes is their grandchild. AI may become so advanced that this audio

and visual encounter may seem so real that the fake grandchild receives money that they requested. We have to try to stay ahead of what criminals are about to embark upon.

Senate Bill 905 is a much needed Bill in this day and age of how crimes can be committed.

I urge a favorable report.