

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
 First Reader

Senate Bill 655 (Senator Hester)
 Judicial Proceedings

Courts - Artificial Intelligence Evidence Clinic Pilot Program - Establishment

This bill establishes an Artificial Intelligence Evidence Clinic Pilot Program in the Administrative Office of the Courts (AOC) to provide expertise in artificial intelligence (AI) to the circuit courts and the District Court in the form of expert testimony on the authenticity of electronic evidence that a court determines may have been created or altered using AI. The program must (1) engage college and university students, recent graduates, faculty, and technology professionals dedicated to the research and advancement of AI to develop expert witness resources for courts to use in cases implicating the use of AI and (2) prioritize civil cases in which one or more parties do not have legal representation or reasonable access to expert testimony. AOC must issue a request for proposals (RFP), as specified, to select an entity to manage the program. For fiscal 2027 and 2028, the Governor may include in the annual budget an appropriation of \$250,000 for the program. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: No assumed effect in FY 2026. General fund expenditures increase by \$250,000 in FY 2027 and 2028, consistent with the amount specified in the bill’s authorized funding provision, and may increase beyond FY 2028, as discussed below. If an institution of higher education is selected to manage the pilot program, revenues and expenditures increase for the relevant institution (not reflected below).

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	250,000	250,000	-	-
Net Effect	\$0	(\$250,000)	(\$250,000)	(-)	(-)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially impact local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Administrative Office of the Courts and Request for Proposals for Pilot Program

AOC must issue an RFP for the program to select an entity to manage the program. The RFP must, at a minimum, state with specificity the (1) goals of the program and (2) objectives and performance criteria that will be used to measure the success of the program, including an entity's willingness to list the clinic as a for-credit course and enable credit sharing across institutions of higher education.

In selecting an entity to manage the program, AOC must give preference to an entity that:

- is a Maryland-based vendor;
- has an academic focus on computer science and technology research and advancement;
- has experience relating to AI; and
- will maximize the use of State funds through the use of mechanisms, including preexisting materials, funding partnerships, and resource matching.

Terms of the Agreement between the Administrative Office of the Courts and Selected Entity – Hold Harmless Clause

The terms of the agreement between AOC and an entity selected to manage the program must include a clause that requires AOC to hold harmless the entity selected to conduct the program against any claim alleging liability or damages relating to the provision of expertise in AI as part of the program, except in cases of willful or wanton misconduct, gross negligence, or intentionally tortious conduct.

Current Law:

Artificial Intelligence – Definition

Under § 3.5-801 of the State Finance and Procurement Article – the applicable definition

as used in the bill – “Artificial Intelligence” means a machine-based system that (1) can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments; (2) uses machine and human-based inputs to perceive real and virtual environments and abstracts those perceptions into models through analysis in an automated manner; and (3) uses model inference to formulate options for information or action.

Maryland Rules – Requirement of Authentication or Identification

The admissibility of electronic evidence created or altered by AI is not explicitly covered in statute or the Maryland Rules. However, under Maryland Rule 5-901, generally, the requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims. By way of illustration only, and not by way of limitation, Maryland Rule 5-901(b) lists examples of authentication or identification that conform with the rule’s requirements, including (1) testimony of a witness with knowledge that the offered evidence is what it is claimed to be; (2) circumstantial evidence, such as appearance, contents, substance, internal patterns, location, or other distinctive characteristics, that the offered evidence is what it is claimed to be; and (3) evidence describing a process or system used to produce the proffered exhibit or testimony and showing that the process or system produces an accurate result.

In a recent case involving the admissibility into evidence of a video, the Maryland Supreme Court stated that, “video footage, like social media, is susceptible to alteration, and the increased availability of new technology, particularly the advent of image-generating AI, may present unique challenges in authenticating videos and photographs.” However, the court further noted that photographic alterations are not new or unique to digital imaging, although they might be easier in the digital age. *Mooney v. State*, 487 Md. 701, 734-35 (2024).

Artificial Intelligence – State Agencies

Although not applicable to the judicial branch, Chapter 496 of 2024 expanded the responsibilities of the Secretary of Information Technology and Department of Information Technology (DoIT) as they relate to the procurement and use of AI by State agencies and codified the Governor’s AI Subcabinet that was established by [Executive Order 01.01.2024.02](#). Broadly, among other things, the Act:

- requires DoIT to adopt policies and procedures, in consultation with the Governor’s AI Subcabinet, concerning the development, procurement, deployment, use, and ongoing assessment of systems that employ high-risk AI by a unit of State government;

- prohibits units of State government from procuring or deploying a new system that employs AI unless the system complies with the policies and procedures adopted by DoIT;
- requires each unit of State government to conduct a data inventory to identify data that meets criteria established by the Chief Data Officer and that is (1) necessary for the operations of the unit or otherwise required to be collected as a condition to receive federal funds or by federal or State law and (2) in a form prescribed by the Chief Data Officer, including when the data is used in AI; and
- requires each unit of State government to conduct an inventory of systems that employ high-risk AI.

State Expenditures: This analysis assumes that the pilot program begins in fiscal 2027 and that during fiscal 2026, AOC issues an RFP, selects an entity, and enters into an agreement with the selected entity to manage the program. As it is assumed that these tasks are done with existing resources, there is no anticipated impact in fiscal 2026. Although the bill does not establish a mandated appropriation for the program, this analysis assumes that general fund expenditures increase by \$250,000 annually in fiscal 2027 and 2028, consistent with the authorized funding provision included in the bill. This analysis reflects a *specific* funding level only in the years specified in the bill, however, the Department of Legislative Services notes that the pilot program is not subject to a termination date. Accordingly, general fund expenditures may continue beyond fiscal 2028 if discretionary funding continues to be provided.

The bill specifies that not more than 20% of the money appropriated to the program may be used for administrative expenses. AOC indicates that the bill can be implemented with existing budgeted resources. This analysis assumes that AOC and the selected entity are together subject to the 20% limitation on administrative expenses.

Additional Comments: Although the bill authorizes the Governor to include an appropriation to the program, it is the Chief Justice of the Supreme Court of Maryland who develops the budget for the Judiciary, which is then included as part of the annual State budget submitted by the Governor to the General Assembly for consideration.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 966 (Delegate Cardin) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Budget and Management; Department of Legislative Services

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