

# SENATE BILL 8

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SB 905/25 – JPR

(PRE-FILED)

6lr0729  
CF HB 184

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By: **Senators Hester, Love, and Hettleman**

Requested: August 26, 2025

Introduced and read first time: January 14, 2026

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Identity Fraud – Artificial Intelligence and Deepfake**  
3 **Representations**

4 FOR the purpose of prohibiting a person from utilizing certain personal identifying  
5 information or engaging in certain conduct in order to cause certain harm;  
6 prohibiting a person from using certain artificial intelligence or certain deepfake  
7 representations for certain purposes; providing that a person who is the victim of  
8 certain conduct may bring a civil action against a certain person; and generally  
9 relating to identity fraud and artificial intelligence and deepfake representations.

10 BY repealing and reenacting, with amendments,  
11 Article – Criminal Law  
12 Section 8–301  
13 Annotated Code of Maryland  
14 (2021 Replacement Volume and 2025 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – State Finance and Procurement  
17 Section 3.5–801(a) and (c)  
18 Annotated Code of Maryland  
19 (2021 Replacement Volume and 2025 Supplement)

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

22 **Article – Criminal Law**

23 8–301.

24 (a) (1) In this section the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



8 (II) "DEEPMODEL REPRESENTATION" DOES NOT INCLUDE  
9 IMAGES OR ITEMS DEPICTING HUMAN BEINGS THAT ARE:

## 1. DRAWINGS;

## 2. CARTOONS;

## 4. PAINTINGS.

14 (4) "HARM" MEANS:

15 (I) PHYSICAL INJURY;

16 (II) SERIOUS EMOTIONAL DISTRESS; OR

### 17 (III) ECONOMIC DAMAGES.

18                   [(2)] (5)     “Health care” means care, services, or supplies related to the  
19    health of an individual that includes the following:

20 (i) preventative, diagnostic, therapeutic, rehabilitative,  
21 maintenance care, palliative care and counseling, service assessment, or procedure:

24 2. that affects the structure or function of the body; and

25 (ii) the sale or dispensing of a drug, device, equipment, or other item  
26 in accordance with a prescription.

27                           [(3)] (6)     “Health information” means any information, whether oral or  
28 recorded in any form or medium, that:

(i) is created or received by:

1. a health care provider;
2. a health care carrier;
3. a public health authority;
4. an employer;
5. a life insurer;
6. a school or university; or
7. a health care clearinghouse; and

(ii) relates to the:

1. past, present, or future physical or mental health or individual;
2. provision of health care to an individual; or
3. past, present, or future payment for the provision of health care.

(7) (I) "INDISTINGUISHABLE FROM AN ACTUAL AND IDENTIFIABLE HUMAN BEING" MEANS AN IMAGE AN ORDINARY PERSON WOULD CONCLUDE IS OF AN ACTUAL AND IDENTIFIABLE HUMAN BEING.

22                   **[4] (8)**     “Interactive computer service” means an information service,  
23 system, or access software provider that provides or enables computer access by multiple  
24 users to a computer server, including a system that provides access to the Internet and  
25 cellular phones.

26                           [(5)] (9)    “Payment device number” has the meaning stated in § 8–213 of  
27 this title.

28 [6] (10) (i) "Personal identifying information" includes a name,  
29 address, telephone number, driver's license number, Social Security number, place of

1 employment, employee identification number, health insurance identification number,  
2 medical identification number, mother's maiden name, bank or other financial institution  
3 account number, date of birth, personal identification number, unique biometric data,  
4 including fingerprint, voice print, retina or iris image or other unique physical  
5 representation, digital signature, credit card number, or other payment device number.

6 (ii) "Personal identifying information" may be derived from any  
7 element in subparagraph (i) of this paragraph, alone or in conjunction with any other  
8 information to identify a specific natural or fictitious individual.

9 **[(7)] (11)** "Re-encoder" means an electronic device that places encoded  
10 personal identifying information or a payment device number from the magnetic strip or  
11 stripe of a credit card onto the magnetic strip or stripe of a different credit card or any  
12 electronic medium that allows such a transaction to occur.

13 **[(8)] (12)** "Skimming device" means a scanner, skimmer, reader, or any  
14 other electronic device that is used to access, read, scan, obtain, memorize, or store,  
15 temporarily or permanently, personal identifying information or a payment device number  
16 encoded on the magnetic strip or stripe of a credit card.

17 (b) A person may not knowingly, willfully, and with fraudulent intent possess,  
18 obtain, or help another to possess or obtain any personal identifying information of an  
19 individual, without the consent of the individual, in order to use, sell, or transfer the  
20 information to get a benefit, credit, good, service, or other thing of value or to access health  
21 information or health care.

22 (b-1) A person may not maliciously use an interactive computer service to disclose  
23 or assist another person to disclose the driver's license number, bank or other financial  
24 institution account number, credit card number, payment device number, Social Security  
25 number, or employee identification number of an individual, without the consent of the  
26 individual, in order to annoy, threaten, embarrass, or harass the individual.

27 **(B-2) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT**  
28 **INTENT UTILIZE THE PERSONAL IDENTIFYING INFORMATION OF AN INDIVIDUAL,**  
29 **WITHOUT THE CONSENT OF THE INDIVIDUAL, IN ORDER TO CAUSE HARM.**

30 (c) A person may not knowingly and willfully assume the identity of another,  
31 including a fictitious person:

32 (1) to avoid identification, apprehension, or prosecution for a crime; or

33 (2) with fraudulent intent to:

34 (i) get a benefit, credit, good, service, or other thing of value;

35 (ii) access health information or health care; [or]

(iii) avoid the payment of debt or other legal obligation; OR

**(IV) HARM, HARASS, INTIMIDATE, THREATEN, OR COERCE THE**

4 (d) A person may not knowingly, willfully, and with fraudulent intent to obtain a  
5 benefit, credit, good, service, or other thing of value or to access health information or health  
6 care, use:

16 (e) A person may not knowingly, willfully, and with fraudulent intent possess,  
17 obtain, or help another possess or obtain a re-encoder device or a skimming device for the  
18 unauthorized use, sale, or transfer of personal identifying information or a payment device  
19 number.

20           (f)     (1)   A person may not knowingly and willfully claim to represent another  
21 person without the knowledge and consent of that person, with the intent to solicit, request,  
22 or take any other action to otherwise induce another person to provide personal identifying  
23 information or a payment device number.

27 (I) IMPERSONATE, FALSELY DEPICT, OR CLAIM TO REPRESENT  
28 ANOTHER PERSON WITH THE INTENT TO DEFRAUD, MISLEAD, OR CAUSE HARM TO  
29 THAT PERSON OR ANY OTHER PERSON; OR

## 1. CAUSE HARM TO ANOTHER PERSON:

(4) A person who violates subsection (b-1), **(B-2)**, (c)(1), **(C)(2)(IV)**, (e), or  
[(f)] **(F)(1)** of this section is guilty of a misdemeanor and on conviction is subject to  
imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

5                   **[(5)] (6)** When the violation of this section is pursuant to one scheme or  
6 continuing course of conduct, whether from the same or several sources, the conduct may  
7 be considered as one violation and the value of the benefit, credit, good, service, or other  
8 thing of value may be aggregated in determining whether the violation is a felony or  
9 misdemeanor.

10 (H) (1) A PERSON WHO IS THE VICTIM OF AN ACT THAT WOULD  
11 CONSTITUTE A VIOLATION OF SUBSECTION (F)(2) OF THIS SECTION MAY BRING A  
12 CIVIL ACTION AGAINST THE PERSON OR PERSONS WHO COMMITTED THE ACT IN A  
13 COURT OF COMPETENT JURISDICTION.

14 (2) THE COURT MAY:

15 (I) ISSUE AN INJUNCTION TO PREVENT OR RESTRAIN AN ACT  
16 THAT WOULD CONSTITUTE A VIOLATION OF SUBSECTION (F)(2) OF THIS SECTION;  
17 AND

**(II) GRANT ANY OTHER APPROPRIATE RELIEF.**

19           [(h)] (I)     A person described in subsection (g)(2) or (4) of this section is subject to  
20    § 5-106(b) of the Courts Article.

21       **(i) (J)**     In addition to restitution under Title 11, Subtitle 6 of the Criminal  
22 Procedure Article, a court may order a person who pleads guilty or nolo contendere or who  
23 is found guilty under this section to make restitution to the victim for reasonable costs,  
24 including reasonable attorney's fees, incurred:

25 (1) for clearing the victim's credit history or credit rating;

26 (2) for clearing the victim's record or history related to health information  
27 or health care; and

(3) in connection with a civil or administrative proceeding to satisfy a debt, lien, judgment, or other obligation of the victim that arose because of the violation.

30       **(j) (K)**     A sentence under this section may be imposed separate from and  
31 consecutive to or concurrent with a sentence for any crime based on the act or acts  
32 establishing the violation of this section.

1        [(k)] (L) Notwithstanding any other law, the Department of State Police may  
2 initiate investigations and enforce this section throughout the State without regard to any  
3 limitation otherwise applicable to the Department's activities in a municipal corporation or  
4 other political subdivision.

5        [(l)] (M) (1) Notwithstanding any other law, a law enforcement officer of the  
6 Maryland Transportation Authority Police, the Maryland Port Administration Police, the  
7 Park Police of the Maryland–National Capital Park and Planning Commission, or a  
8 municipal corporation or county may investigate violations of this section throughout the  
9 State without any limitation as to jurisdiction and to the same extent as a law enforcement  
10 officer of the Department of State Police.

11                    (2) The authority granted in paragraph (1) of this subsection may be  
12 exercised only in accordance with regulations that the Department of State Police adopts.

13                    (3) The regulations are not subject to Title 10, Subtitle 1 of the State  
14 Government Article.

15                    (4) The authority granted in paragraph (1) of this subsection may be  
16 exercised only if an act related to the crime was committed in the investigating law  
17 enforcement agency's jurisdiction or if the complaining witness resides in the investigating  
18 law enforcement agency's jurisdiction.

19        [(m)] (N) If action is taken under the authority granted in subsection [(l)] (M) of  
20 this section, notification of an investigation:

21                    (1) in a municipal corporation, shall be made to the chief of police or  
22 designee of the chief of police;

23                    (2) in a county that has a county police department, shall be made to the  
24 chief of police or designee of the chief of police;

25                    (3) in a county without a police department, shall be made to the sheriff or  
26 designee of the sheriff;

27                    (4) in Baltimore City, shall be made to the Police Commissioner or the  
28 Police Commissioner's designee;

29                    (5) on property owned, leased, or operated by or under the control of the  
30 Maryland Transportation Authority, the Maryland Aviation Administration, or the  
31 Maryland Port Administration, shall be made to the respective chief of police or the chief's  
32 designee; and

33                    (6) on property owned, leased, or operated by or under the control of the  
34 Maryland–National Capital Park and Planning Commission, to the chief of police of the  
35 Maryland–National Capital Park and Planning Commission for the county in which the  
36 property is located.

1           **[(n)] (O)**    When acting under the authority granted in subsection **[(k)] (L)** or **[(l)]**  
2   **(M)** of this section, a law enforcement officer:

3                   (1)    in addition to any other immunities and exemptions to which the officer  
4   may be entitled, has the immunities from liability and exemptions accorded to a law  
5   enforcement officer of the Department of State Police; but

6                   (2)    remains an employee of the officer's employing agency.

7           **[(o)] (P)**    (1)    A State's Attorney or the Attorney General may investigate and  
8   prosecute a violation of this section or a violation of any crime based on the act establishing  
9   a violation of this section.

10               (2)    If the Attorney General exercises authority under paragraph (1) of this  
11   subsection, the Attorney General has all the powers and duties of a State's Attorney,  
12   including the use of a grand jury in any county or Baltimore City, to investigate and  
13   prosecute the violation.

14           **[(p)] (Q)**    Notwithstanding any other provision of law, the prosecution of a  
15   violation of this section or for a violation of any crime based on the act establishing a  
16   violation of this section may be commenced in any county in which:

17               (1)    an element of the crime occurred; or

18               (2)    the victim resides.

## 19                   **Article – State Finance and Procurement**

20   3.5–801.

21               (a)    In this subtitle the following words have the meanings indicated.

22               (c)    “Artificial intelligence” means a machine–based system that:

23                   (1)    can, for a given set of human–defined objectives, make predictions,  
24   recommendations, or decisions influencing real or virtual environments;

25                   (2)    uses machine and human–based inputs to perceive real and virtual  
26   environments and abstracts those perceptions into models through analysis in an  
27   automated manner; and

28                   (3)    uses model inference to formulate options for information or action.

29                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30   October 1, 2026.