

SENATE BILL 8

E1
SB 905/25 – JPR

(PRE-FILED)

6lr0729
CF HB 184

By: Senators Hester, Love, ~~and Hettleman~~ Hettleman, Smith, Waldstreicher,
Charles, Folden, Henson, James, McKay, Muse, Sydnor, and West

Requested: August 26, 2025

Introduced and read first time: January 14, 2026

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2026

CHAPTER _____

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Criminal Law**

4 8–301.

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

6 **(2) “ARTIFICIAL INTELLIGENCE” HAS THE MEANING STATED IN §**
7 **3.5–801 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

8 **(3) (I) “DEEFAKE REPRESENTATION” MEANS A PHOTOGRAPH, A**
9 **FILM, A VIDEO, AN AUDIO RECORDING, A DIGITAL IMAGE, A PICTURE, OR A**
10 **COMPUTER OR COMPUTER–GENERATED IMAGE OR PICTURE, WHETHER MADE,**
11 **PRODUCED, OR GENERATED BY ELECTRONIC, MECHANICAL, OR OTHER MEANS,**
12 **THAT IS INDISTINGUISHABLE FROM AN ACTUAL AND IDENTIFIABLE HUMAN BEING.**

13 **(II) “DEEFAKE REPRESENTATION” DOES NOT INCLUDE**
14 **IMAGES OR ITEMS DEPICTING HUMAN BEINGS THAT ARE:**

- 15 1. DRAWINGS;
- 16 2. CARTOONS;
- 17 3. SCULPTURES; OR
- 18 4. PAINTINGS.

19 **(4) “HARM” MEANS:**

- 20 **(I) PHYSICAL INJURY;**
- 21 **(II) SERIOUS EMOTIONAL DISTRESS; OR**
- 22 **(III) ECONOMIC DAMAGES.**

23 **[(2)] (5) “Health care” means care, services, or supplies related to the**
24 **health of an individual that includes the following:**

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

27 1. with respect to the physical or mental condition or
28 functional status of an individual; or

1 users to a computer server, including a system that provides access to the Internet and
2 cellular phones.

3 **[(5)] (9)** “Payment device number” has the meaning stated in § 8–213 of
4 this title.

5 **[(6)] (10)** (i) “Personal identifying information” includes a name,
6 address, telephone number, driver’s license number, Social Security number, place of
7 employment, employee identification number, health insurance identification number,
8 medical identification number, mother’s maiden name, bank or other financial institution
9 account number, date of birth, personal identification number, unique biometric data,
10 including fingerprint, voice print, retina or iris image or other unique physical
11 representation, digital signature, credit card number, or other payment device number.

12 (ii) “Personal identifying information” may be derived from any
13 element in subparagraph (i) of this paragraph, alone or in conjunction with any other
14 information to identify a specific natural or fictitious individual.

15 **[(7)] (11)** “Re–encoder” means an electronic device that places encoded
16 personal identifying information or a payment device number from the magnetic strip or
17 stripe of a credit card onto the magnetic strip or stripe of a different credit card or any
18 electronic medium that allows such a transaction to occur.

19 **[(8)] (12)** “Skimming device” means a scanner, skimmer, reader, or any
20 other electronic device that is used to access, read, scan, obtain, memorize, or store,
21 temporarily or permanently, personal identifying information or a payment device number
22 encoded on the magnetic strip or stripe of a credit card.

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

28 (b–1) A person may not maliciously use an interactive computer service to disclose
29 or assist another person to disclose the driver’s license number, bank or other financial
30 institution account number, credit card number, payment device number, Social Security
31 number, or employee identification number of an individual, without the consent of the
32 individual, in order to annoy, threaten, embarrass, or harass the individual.

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

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

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

2 (2) with fraudulent intent to:

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

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

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

6 **(IV) HARM, HARASS, INTIMIDATE, THREATEN, OR COERCE THE**
7 **OTHER PERSON.**

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

11 (1) a re-encoder to place information encoded on the magnetic strip or
12 stripe of a credit card onto the magnetic strip or stripe of a different credit card or use any
13 other electronic medium that allows such a transaction to occur without the consent of the
14 individual authorized to use the credit card from which the personal identifying
15 information or payment device number is being re-encoded; or

16 (2) a skimming device to access, read, scan, obtain, memorize, or store
17 personal identifying information or a payment device number on the magnetic strip or
18 stripe of a credit card without the consent of the individual authorized to use the credit
19 card.

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

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

28 **(2) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH**
29 **FRAUDULENT INTENT USE ARTIFICIAL INTELLIGENCE OR A DEEPPAKE**
30 **REPRESENTATION TO:**

31 **(I) ~~IMPERSONATE, FALSELY DEPICT, OR CLAIM TO REPRESENT~~**
32 **~~ANOTHER PERSON WITH THE INTENT TO DEFRAUD, MISLEAD, OR CAUSE HARM TO~~**
33 **~~THAT PERSON OR ANY OTHER PERSON CAUSE HARM TO ANOTHER BY~~**

1 IMPERSONATING, FALSELY DEPICTING, OR CLAIMING TO REPRESENT THAT PERSON
2 OR ANY OTHER PERSON; OR

3 (II) CREATE OR DISTRIBUTE FALSE RECORDS WITH THE INTENT
4 TO:

5 1. CAUSE HARM TO ANOTHER PERSON;

6 2. INDUCE ANOTHER PERSON TO PROVIDE PERSONAL
7 IDENTIFYING INFORMATION; OR

8 3. OBTAIN A BENEFIT, CREDIT, GOOD, SERVICE, OR
9 OTHER THING OF VALUE.

10 (g) (1) (i) A person who violates this section where the benefit, credit, good,
11 service, health information or health care, or other thing of value that is the subject of
12 subsection (b), [(c)] (C)(2)(I), (II), (III), or (d) of this section has a value of at least \$1,500
13 but less than \$25,000 is guilty of a felony and on conviction is subject to imprisonment not
14 exceeding 5 years or a fine not exceeding \$10,000 or both.

15 (ii) A person who violates this section where the benefit, credit, good,
16 service, or other thing of value that is the subject of subsection (b), [(c)] (C)(2)(I), (II), (III),
17 or (d) of this section has a value of at least \$25,000 but less than \$100,000 is guilty of a
18 felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not
19 exceeding \$15,000 or both.

20 (iii) A person who violates this section where the benefit, credit, good,
21 service, or other thing of value that is the subject of subsection (b), [(c)] (C)(2)(I), (II), (III),
22 or (d) of this section has a value of \$100,000 or more is guilty of a felony and on conviction
23 is subject to imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both.

24 (2) A person who violates this section where the benefit, credit, good,
25 service, health information or health care, or other thing of value that is the subject of
26 subsection (b), [(c)] (C)(2)(I), (II), (III), or (d) of this section has a value of at least \$100
27 but less than \$1,500 is guilty of a misdemeanor and on conviction is subject to
28 imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

29 (3) A person who violates this section under circumstances that reasonably
30 indicate that the person's intent was to manufacture, distribute, or dispense another
31 individual's personal identifying information without that individual's consent is guilty of
32 a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not
33 exceeding \$25,000 or both.

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

4 **(5) (I) A PERSON WHO VIOLATES SUBSECTION (F)(2) OF THIS**
5 **SECTION INVOLVING ONE VICTIM IS GUILTY OF A FELONY AND ON CONVICTION IS**
6 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING**
7 **\$10,000 OR BOTH.**

8 **(II) A PERSON WHO VIOLATES SUBSECTION (F)(2) OF THIS**
9 **SECTION INVOLVING TWO OR MORE VICTIMS IS GUILTY OF A FELONY AND ON**
10 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE**
11 **NOT EXCEEDING \$15,000 OR BOTH.**

12 ~~[(5)] (6)~~ When the violation of this section is pursuant to one scheme or
13 continuing course of conduct, whether from the same or several sources, the conduct may
14 be considered as one violation and the value of the benefit, credit, good, service, or other
15 thing of value may be aggregated in determining whether the violation is a felony or
16 misdemeanor.

17 **(H) (1) A PERSON WHO IS THE VICTIM OF AN ACT THAT WOULD**
18 **CONSTITUTE A VIOLATION OF SUBSECTION (F)(2) OF THIS SECTION MAY BRING A**
19 **CIVIL ACTION AGAINST THE PERSON OR PERSONS WHO COMMITTED THE ACT IN A**
20 **COURT OF COMPETENT JURISDICTION.**

21 **(2) THE COURT MAY:**

22 **(I) ISSUE AN INJUNCTION TO PREVENT OR RESTRAIN AN ACT**
23 **THAT WOULD CONSTITUTE A VIOLATION OF SUBSECTION (F)(2) OF THIS SECTION;**
24 **AND**

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

26 ~~[(h)] (I)~~ A person described in subsection (g)(2) or (4) of this section is subject to
27 § 5-106(b) of the Courts Article.

28 ~~[(i)] (J)~~ In addition to restitution under Title 11, Subtitle 6 of the Criminal
29 Procedure Article, a court may order a person who pleads guilty or nolo contendere or who
30 is found guilty under this section to make restitution to the victim for reasonable costs,
31 including reasonable attorney's fees, incurred:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.