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## **HB1323** **Algorithmic Decision Systems – Procurement and Discriminatory Acts**

March 17, 2021

Chairman Pendergrass, Vice-chair Pena-Melnyk, and Health and Government Operations Committee Colleagues,

**HB1323** - Algorithmic Decision Systems – Procurement and Discriminatory Acts is an effort to lessen Maryland's future need to react to and remedy unintended consequences of past policies, systems, and actions by making us more deliberate in our implementation of procedures, particularly where algorithmic design is used in making selections and carrying out policy.

As elsewhere in the country, in the last several years we've spent significant energy trying either to mitigate or undo damage caused by biases that unfairly target, disqualify, or handicap individuals based both on articulated and unspoken presumptions and on the reinforcement of traditionally unquestioned assumptions. On issues as divergent as an inmates' likelihood to reoffend if paroled, to which candidate should be offered a position, to the appropriateness of the use of facial recognition systems in policing and law enforcement, to the determination of which patients will be offered a particular procedure or therapy, decisions are being made every day in which historic prejudices belie our best efforts to correct the harms of our past. The transgenerational damage to society and its future caused by ethnic, racial, gender, age, religious, sexuality, class and other distinctions that have served to marginalize members of our community is being recognized and addressed, but will never be fully rectified unless we stop repeating the cycle.

A great irony of advancing technology is that incorporating artificial intelligence, scientific modeling, and arithmetical formulas through the use of algorithms as a way of removing people and their personal biases from processes does not necessarily achieve the goal. In fact, precisely because algorithms are assumed to be bias-free, they frequently and insidiously introduce system problems that can be worse than, or reinforcing of, those they were implemented to correct. Without having deliberate safeguards in place and conscious efforts to do otherwise, algorithms designed by humans will inevitably incorporate the biases of their designer.

Acknowledging that there are times when specific biases are desired, or even needed, to be written into an algorithm in order to meet the objectives of its use, **HB1323** requires a level of transparency about the inherent biases and deliberateness in what, why, and how we use them. In addition, by providing a mechanism for identifying and avoiding the use of "ill-biased" (i.e. biases that are neither helpful to the program or project goals nor necessary for the proper functioning of the system or process), **HB1323** seeks to get us away from rectifying the damages caused by the utilization of harmful algorithms toward proactively avoiding their use altogether.

There is burgeoning interest around the field of responsible AI, and I hope that Maryland can be at the forefront. Hopefully, this time next year we will be passing legislation establishing the Maryland Center for Responsible AI. Until then, **HB1323** will introduce proactive measures, so eventually, we can spend less time and resources on reparative work.

I ask for a favorable report.