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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Delegate Luke Clippinger
Chairman, House Judiciary Committee
House Office Building – Room 101
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Mr. Chairman,

I am writing in support of HB 996 and hope for a favorable report.

HB 996 establishes that a person who **intentionally** designs and creates artificial intelligence software able to cause physical injury or death is strictly liable for damages and subject to a civil penalty if the technology is used to cause injury or death. Artificial intelligence (AI) is the effort to create technology capable of intelligent behavior and can be used to refer to everything from Siri to drone targeting.¹ AI progress has enabled advances in translation, image generation, facial recognition, search engines, and more, but there are growing urgent ethical concerns with the widespread implementation of artificial intelligence.² As AI systems become more advanced, failures to prevent harm will have even graver consequences.

The National Highway Traffic Safety Administration has stated that the ‘self-driving’ AI technology in some vehicles—which can steer, accelerate, brake, and changes lanes on its own—allows vehicles to travel above legal speed limits and through intersections in an unlawful or unpredictable manner. Data from last summer shows that six people died and five were seriously injured in nearly four-hundred accidents involving cars using driver-assistance artificial intelligence.³

The bill further prohibits a person from using technology that acts independently of the person but is directed by artificial intelligence software to cause injury or death of another. The United States Army announced in 2018 that they were developing drones that would use AI to spot and

¹ Kelsey Piper, *The case for taking AI seriously as a threat to humanity*. Vox (Oct. 15, 2020), <https://www.vox.com/future-perfect/2018/12/21/18126576/ai-artificial-intelligence-machine-learning-safety-alignment>

² Amitai Etzioni and Oren Etzioni, *Should Artificial Intelligence Be Regulated?* Issues in Science and Technology (2017), <https://issues.org/perspective-artificial-intelligence-regulated/>

³ Neal E. Boudette, *Tesla to Recall 362,000 Cars With Its ‘Full Self Driving’ System*. The New York Times (Feb. 16, 2023), https://www.nytimes.com/2023/02/16/business/tesla-recall-full-self-driving.html?campaign_id=9&emc=edit_nn_20230217&instance_id=85599&nl=the-morning®i_id=90327895&segment_id=125560&te=1&user_id=83cc04c8d338821b6801d559031af741

target vehicles and people.⁴ Whereas currently military drones are controlled by people, the new technology would make decisions with very minimal human involvement.

A research paper through the National Library of Medicine has suggested that there is a potential for using artificial intelligence in healthcare.⁵ IBM's Watson has received a great deal of attention for its applications in cancer diagnosis and treatment. Errors in diagnosis, treatment protocols, and imaging data have very real risks and can cause harm to patients.⁶ Watson is still in development and like other programs is not yet ready to be implemented in a healthcare environment.

There is no comprehensive federal legislation on AI in the United States. The Biden-Harris Administration and some federal agencies have developed reports guiding the design, use, and deployment of AI.⁷ Bills on artificial intelligence were introduced in at least seventeen states in 2022, and some were enacted in Colorado, Illinois, Vermont, and Washington.⁸

There is a very real risk of artificial intelligence causing harm or injury, and there is evidence that software already has. HB 996 would ensure that AI has a positive, not negative, effect on lives. Artificial intelligence is growing at an accelerated rate, my intent is to ensure that growth is responsible, safe, and harmless.

Respectfully,



Delegate David Fraser-Hidalgo

⁴ Peter Lee, *The US Army is developing unmanned drones that can decide who to kill*. Business Insider, The Conversation (Apr. 13, 2018), <https://www.businessinsider.com/the-us-army-is-developing-unmanned-drones-that-can-decide-who-to-kill-2018-4>

⁵ Thomas Davenport and Ravi Kalakota, *The potential for artificial intelligence in healthcare*. National Library of Medicine, National Center for Biotechnology Information (Jun. 2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6616181/>

⁶ Id., at 6

⁷ The White House, *Blueprint for an AI Bill of Rights*. Office of Science and Technology Policy (n.d.), <https://www.whitehouse.gov/ostp/ai-bill-of-rights/>

⁸ National Conference of State Legislatures, *Legislation Related to Artificial Intelligence*. NCSL, Technology (Aug. 26, 2022), <https://www.ncsl.org/technology-and-communication/legislation-related-to-artificial-intelligence>