

Bill Number: SB 362

**Scott D. Shellenberger, State's Attorney for Baltimore County
Support**

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 362
FORGED DIGITAL LIKENESSES – DISTRIBUTION – PROHIBITION

I write in support of Senate Bill 362 which fills a large gap in this day and age of committing crimes using computers and more specifically Artificial Intelligence.

What if you are a County Executive, a Police Chief or a Senator and there is someone out there who has a grudge against you. Nowadays they can get revenge by using Artificial Intelligence to take prior statements you have made that have been recorded and turn that into anti-racial or anti-anything and make those statements very public. What if that audio is released to the public and causes regular people to get angry and upset at you. What if people are so upset that you need police protection. Right now in Maryland we do not have a statutory crime to charge that person. There is a hole in the Law that needs to be filled to make the crimes of today and the way they can be committed punishable. We need SB 362 to fill a gap in the Law.

The scenario I just outlined is not a made up story, it really happened. As you know Baltimore County has such a case and because it is a pending trial I will not talk about the facts or details of that case. When that incident happened I picked up this book, Criminal Laws, and searched and searched and found nothing directly on point to what they did.

Senate Bill 362 fills that gap by making it a crime to use Forged Digital Likeness to misrepresent and likely to deceive. Senate Bill 362 uses the word Forged Digital Likeness that is defined as a visual representation of a person or audio recording of an identifiable person's voice. That's the one we needed in this case. Under the new Law we must prove that it was created to imitate how the person looks or sounds. The key is the state must prove that it is likely to deceive a reasonable person. That would provide the needed Law if it ever happens to a County Executive or Police Chief or a senator.

We are looking for a modest start by setting the maximum sentence of 3 years in jail.

I urge a favorable report.