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BILL NUMBER: SB 8

POSITION: Favorable

Re: Letter of Support – Senate Bill 8 (Artificial Intelligence and Identity Theft)

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

On behalf of the Maryland State's Attorneys' Association (MSAA), which represents the elected State's Attorneys and prosecutors across Maryland's 24 jurisdictions, we write in **strong support of Senate Bill 8**.

SB 8 builds upon Maryland's existing identity theft framework to address the increasingly dangerous and sophisticated misuse of artificial intelligence and "deepfake" technology. The bill appropriately modernizes our criminal statutes by recognizing that identity theft today is not limited to stolen names or financial information, but now includes the fraudulent creation of hyper-realistic images, audio, or video that are indistinguishable from a real, identifiable human being and intentionally used to cause harm.

Importantly, SB 8 is carefully and narrowly drafted. The bill requires proof of fraudulent intent, lack of consent, and intent to cause harm. It does not criminalize the mere creation of artificial or AI-generated material, nor does it reach parody, satire, or entertainment. Instead, the focus is squarely on conduct intended to deceive others into believing the material is authentic and to weaponize that deception against a real person. By placing this conduct within Maryland's identity theft statute, SB 8 makes clear that the criminality lies not in the technology itself, but in the intentional impersonation and misuse of another person's identity.

Maryland prosecutors have already encountered real-world cases illustrating the harm this bill seeks to prevent. These include incidents where AI-generated audio was used to falsely attribute racist and antisemitic statements to a school principal, severely damaging reputations and community trust, as well as cases involving manipulated images falsely depicting real female minors to create catfish accounts on sexual websites. Such conduct causes profound and lasting harm, particularly to young people, yet is exceedingly difficult to prosecute under existing statutes that were not designed to address this form of identity-based digital impersonation.

SB 8 appropriately classifies this conduct as a felony, reflecting both the serious personal and societal harm caused by these offenses and the substantial investigative burden placed on law enforcement and prosecutors. Without this legislation, Maryland risks leaving victims without meaningful recourse and allowing rapidly evolving technology to outpace our ability to protect the public.

For these reasons, the Maryland State's Attorneys' Association respectfully urges the Committee to issue a favorable report on Senate Bill 8.

Thank you for your consideration and for your continued leadership on issues critical to public safety and the integrity of our justice system.