

SB0008_Criminal_Law_Identity_Fraud_AI_and_Deepfake

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0008
Criminal Law- Identity Fraud – Artificial Intelligence and Deepfake
Representations

Bill Sponsor: Senator Hester

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0008 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

This bill, if enacted, prohibits anyone from taking another person's personal identifying information without consent in order to cause harm or harass or intimidate/threaten that person. It also prohibits anyone from knowingly using or sending an image or a video that is indistinguishable from the person's real image in order to impersonate that person to gain something of value or to cause harm.

These are important safeguards. We seem to have gone from a place where technology was not advanced enough to cause these problems to already have that same technology weaponized against us with few guardrails in place and little recourse for the person who was harmed.

If this bill is enacted there would be penalties for this kind of behavior. It would make both scenarios felonies with penalties ranging from 5 – 10 years in prison and \$10,000 - \$15,000 in fines, depending on the circumstances. It would also allow the victim to file a civil suit to get restitution.

We understand the harm that these acts can cause. They can destroy lives. We strongly support this bill and recommend a **FAVORABLE** report in committee.

Testimony 287gF.pdf

Uploaded by: Debbie Shulman

Position: FAV

Testimony on Senate Bill 245 – Favorable

SB 245: Public Safety – Immigration Enforcement Agreements – Prohibition

Senate Judicial Proceedings Committee

January 22, 2026

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

My name is Deborah Shulman, and I am a resident of Olney, Maryland, in District 14. I am writing in strong support of SB 245 – Public Safety: Immigration Enforcement Agreements – Prohibition.

I care deeply about this issue because my daughter-in-law is a naturalized citizen. I fear for her safety and that of her family, even though they are law-abiding, naturalized citizens. ICE's actions are often driven by quotas, bonuses, and performance targets rather than true public safety concerns.

I also volunteer daily with a mutual aid group that helps the immigrant community. These are hardworking people who have homes, jobs, families, and contribute taxes. They are no different than the rest of us.

My daughter-in-law is a teacher, and my son is a principal. Many of their students are immigrants, and I see daily the positive impact these families have on our communities.

I would warn people against visiting counties with 287(g) agreements, and I am certain many others would do the same. Taxpayer dollars should not fund policies that create fear and division.

No one should have to fear ICE or agencies assisting ICE. Too often, ICE focuses on numerical targets rather than actual criminal threats. Research consistently shows that immigrants are far less likely to commit violent crimes than the general population, yet misinformation is repeated from the top of our government.

287(g) agreements do not make our communities safer. In fact, they often make them less safe. Victims and witnesses are afraid to report crimes, and local law enforcement loses the trust of the communities they serve. When law enforcement notifies ICE about detained immigrants,

individuals can be denied due process and presumed guilty before ever having their day in court. This is unjust and illegal.

People trying to gain citizenship are forced to make impossible choices: attend routine immigration appointments and risk detention, or stay home and risk jeopardizing their status. Families lose breadwinners, children live in fear, and entire communities are traumatized. Counties should not be making these harms worse.

Why 287(g) Agreements Are Harmful for Maryland

Research shows that 287(g) agreements do not reduce crime. Instead, they create fear of law enforcement and discourage cooperation with police. Witnesses and victims remain silent, allowing criminals to remain free and making communities less safe for everyone.

Maryland is also facing financial shortages due to federal cuts. Our state tax dollars are being stretched thin, and they should not go to law enforcement agencies that inflict harm on immigrant communities. Continuing 287(g) agreements is not a responsible or effective use of taxpayer dollars.

Conclusion

Maryland should follow other states that have ended 287(g) agreements. As the Free State, we have a moral and fiscal obligation to protect the rights and dignity of all residents. Our state tax dollars are being stretched thin, and they should not fund law enforcement agencies that inflict harm on immigrant communities. Continuing 287(g) agreements undermines safety, justice, human dignity, and responsible fiscal policy. My county has worked hard to uphold immigrant rights; Maryland should do the same.

For these reasons, I respectfully urge a favorable vote for SB 245.

Thank you for your time and consideration.

Respectfully,

Deborah Shulman

4137 Danube Court

Olney, MD 20832

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Debbie.j.shulman@gmail.com

SB 8 - AI Identity Fraud Testimony Hester.docx.pdf

Uploaded by: Katie Fry Hester

Position: FAV

KATIE FRY HESTER
Legislative District 9
Howard and Montgomery Counties

Education, Energy, and
Environment Committee

Chair, Joint Committee on
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and Biotechnology



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB 8 - Criminal Law – Identity Fraud – Artificial Intelligence and Deepfake Representations

January 20, 2025

Chair Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee:

Thank you for your consideration of Senate Bill 8, *Criminal Law – Identity Fraud – Artificial Intelligence and Deepfake Representations*. This legislation is essential in strengthening Maryland’s ability to combat identity fraud by addressing the evolving threats posed by artificial intelligence (AI) and deepfake technology.

The rapid advancement of AI technology has made it easier than ever to create highly realistic synthetic media: including altered images, videos, and audio recordings. While these tools have legitimate applications, they also present serious risks when misused for fraud, harassment, or deception. The malicious use of AI-generated content to impersonate individuals threatens personal privacy, financial security, and public trust in digital systems. The consequences of this misuse include:

- Financial harm- Victims suffer economic losses from fraudulent unauthorized transactions and identity fraud. This is made much easier with AI being used to fake someone’s voice for voice identification purposes.
- Criminal activity- AI-generated content can help criminal enterprises create counterfeit identification documents, including fake driver’s licenses and fraudulent credentials for law enforcement, government, and banking institutions.¹
- Emotional and psychological distress- Individuals experience severe personal and reputational harm due to manipulated content.
- Erosion of trust- The integrity of digital communication and online systems is undermined.
- Exploitation and manipulation- Bad actors use AI to impersonate individuals for personal gain.

¹<https://www.ic3.gov/PSA/2024/PSA241203#:~:text=Identifying%20information%20about%20the%20individuals,%E2%86%A9>

In 2024, a troubling incident at Pikesville High School highlighted the urgency and threat of this issue. The school's athletic director used deepfake technology to create a false audio recording of the school's principal, leading the public to believe he had made racist and antisemitic remarks. This falsified audio, while not technically advanced, required only a basic recording of the principal's voice and a \$ 5-a-month AI tool.² The incident served as an important warning and call to action: anyone with minimal resources can now use AI to commit identity fraud.

Other states are already taking action. In 2024, New Jersey introduced bipartisan legislation extending identity theft laws to include fraudulent impersonation through AI and deepfake technology.³ Arizona, North Dakota, Hawaii, and Washington have also taken action in this space – Maryland must take similar steps to protect its residents from this growing threat.

Ultimately, presenting a false representation of someone utilizing AI is a form of identity theft. SB 905 ensures that Marylanders are safeguarded against AI-driven identity fraud by:

1) Criminalizing AI Deception

- a) Prohibits the use of AI or deepfakes to impersonate or falsely depict individuals with the intent to defraud, mislead, or cause harm, which is defined as physical injury, serious emotional distress, or economic damages.

2) Expanding and Modernizing Definitions

- a) Updating the legal definition of “personal identifying information” to include biometric data and digital signatures.
- b) Incorporating legal definitions for AI, deepfake technology, and false personation records, covering any AI-generated media used to impersonate individuals.

3) Providing Civil Restitution and Victim Support:

- a) Empowering courts to order civil damages for victims, including reimbursement for clearing credit histories and resolving fraudulent debts.

4) Strengthening Penalties:

- a) Establishing penalties based on the value of benefits obtained from the crime or the harm caused to the victim(s).
- b) Imposing stricter consequences for violations involving multiple victims, election interference, or harm to minors.

5) Enhancing Enforcement:

- a) Granting law enforcement broader authority to investigate and prosecute identity fraud cases across jurisdictions.

²<https://www.thebaltimorebanner.com/education/k-12-schools/pikesville-principal-ai-GXGDPO5W6JHFBGES25SYQ2KM5M/>

³ https://pub.njleg.gov/Bills/2024/A4000/3912_l1.HTM

- b) Establishing clear guidelines for interagency coordination and reporting to ensure effective enforcement.

Maryland must act now to address the dangers posed by AI-driven identity fraud. SB 8 provides the necessary legal tools to combat these emerging threats and to safeguard our communities.

Thank you for your consideration, I urge a favorable report of SB 8.

Sincerely,

A handwritten signature in cursive script that reads "Katie Fry Hester".

Senator Katie Fry Hester
Howard and Montgomery Counties

SB 8 - favorable.pdf

Uploaded by: Kirsten Brown

Position: FAV

Ivan Bates
President



Kirsten N. Brown
Coordinator

Maryland State's Attorneys' Association
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DATE: January 22, 2026

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.

Letter in support SB0008.pdf

Uploaded by: Laura Wilt

Position: FAV



Maryland Crime Victims' Resource Center, Inc.

Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

☎ 877-VICTIM-1 (877-842-8461) ✉ mail@mdcrimevictims.org 🌐 mdcrimevictims.org

LETTER IN SUPPORT OF SENATE BILL 0008

January 20, 2026

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Carroll, Howard, & Baltimore Counties

Oakland Manor
5430 Vantage Point Road
Columbia, MD 21044
240-335-4032

Eastern Shore

240-335-4012

Frederick & Montgomery Counties

240-335-4021

Southern Maryland

301-952-0063

Western Maryland

59 Prospect Square
Suite 6
Cumberland, MD 21502
240-335-4013

On behalf of the Maryland Crime Victims' Resource Center (MCVRC), I write to express our strong support for Senate Bill 8. MCVRC provides legal services for crime victims throughout Maryland and is the largest nonprofit of its kind in the country. We write on behalf of our ever-increasing number of clients who have suffered as a result of identity theft.

I urge your support for this legislation that will strengthen protections against identity theft and the proliferation of deepfake technology. The rapid advancement of artificial intelligence has vastly expanded the tools available to bad actors, making it easier than ever to steal identities, fabricate images, and circulate false or harmful content with devastating consequences for victims.

Every month, MCVRC is in contact with clients whose personal information has been used to open fraudulent accounts or whose likenesses have been manipulated into lifelike, sexually explicit, or defamatory images. Existing laws are often inadequate to prosecute these violations or to ensure victims receive swift remedies. Our statutes need to adjust with the times. This legislation represents a critical step forward.

Passing Senate Bill 8 would allow courts to respond in new ways to these evolving threats to our Marylanders' reputations and financial stability. MCVRC encourages the Senate to pass SB0008 to help address the advancing threat of artificial intelligence used to victimize others. The law must evolve to reflect not only new technologies but also the very real harms they cause.

Thank you for this and all your efforts aimed at protecting Marylanders from these emerging harms. On behalf of Maryland victims, we ask you to pass Senate Bill 8.

Sincerely,

Laura Corbett Wilt, Senior Supervising Attorney
202-335-4004; lwilt@mdcrimevictims.org

Joined by: Joanna Mupanduki, Deputy Director & Kurt Wolfgang, Executive Director

Testimony in support of SB0008 - Criminal Law - Id

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0008_RichardKaplowitz_FAV
01/22/2026

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0008 - POSITION: FAVORABLE
Criminal Law - Identity Fraud - Artificial Intelligence and Deepfake Representations

TO: Chair Smith, Jr., Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ SB#/0008, Criminal Law - Identity Fraud - Artificial Intelligence and Deepfake Representations

This bill recognizes that misuse of technology is a rapidly escalating problem and proposes solutions when that technology is used to commit identity fraud. It will accomplish those aims by prohibiting a person from utilizing certain personal identifying information or engaging in certain conduct in order to cause physical injury, serious emotional distress, or economic damages; prohibiting a person from using certain artificial intelligence or certain deepfake representations for certain purposes; providing penalties of 5 years of imprisonment and a fine of up to \$10,000 or both where one victim is involved, and for two or more victims the term of imprisonment is up to 10 years and the fine is up to \$15,000 or both; etc.

The World Economic Forum reported on December 11, 2025 in an article *How identity fraud is changing in the age of AI*

A new analysis of global verification data suggests that identity fraud is undergoing a structural transformation. [Sumsab's Identity Fraud Report 2025–2026](#) offers a detailed view into how identity crime has evolved over the past two years.

Rather than a simple increase or decrease in fraud, patterns point to a redistribution of risk; shifts in technique, sophistication and intent are being driven in large part by the growing accessibility of AI tools. ¹

This bill provides legal penalties for this misconduct to assist in deterrence of that conduct. The Department of Homeland Security reports on the *Increasing Threat of Deepfake Identities* ²

Deepfakes, an emergent type of threat falling under the greater and more pervasive umbrella of synthetic media, utilize a form of artificial intelligence/machine learning (AI/ML) to create believable, realistic videos, pictures, audio, and text of events which never happened.

Recognizing this increasing societal problem this bill is part of the solution to deal with it.

I respectfully urge this committee to return a favorable report on SB0008.

¹ <https://www.weforum.org/stories/2025/12/how-identity-fraud-is-increasing-in-the-age-of-ai/>

² https://www.dhs.gov/sites/default/files/publications/increasing_threats_of_deepfake_identities_0.pdf

SB 8 - Criminal Law - Identity Fraud - Artificial

Uploaded by: Sara Westrick

Position: FAV



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**SB 8 - Criminal Law – Identity Fraud – Artificial Intelligence and Deepfake
Representations
Senate Judicial Proceedings Committee
January 22, 2026
FAVORABLE**

Good Afternoon, Chairman Smith and members of the Senate Judicial Proceedings Committee. Thank you for the opportunity to submit written testimony in support of Senate Bill 8, regarding Artificial Intelligence and Deepfake Representations. My name is Sara Westrick, Advocacy Director for AARP Maryland. As you may know, AARP Maryland is one of the largest membership-based organizations in the state, encompassing almost 850,000 members. AARP Maryland thanks Senators Hester, Love, and Hettleman for sponsoring this legislation.

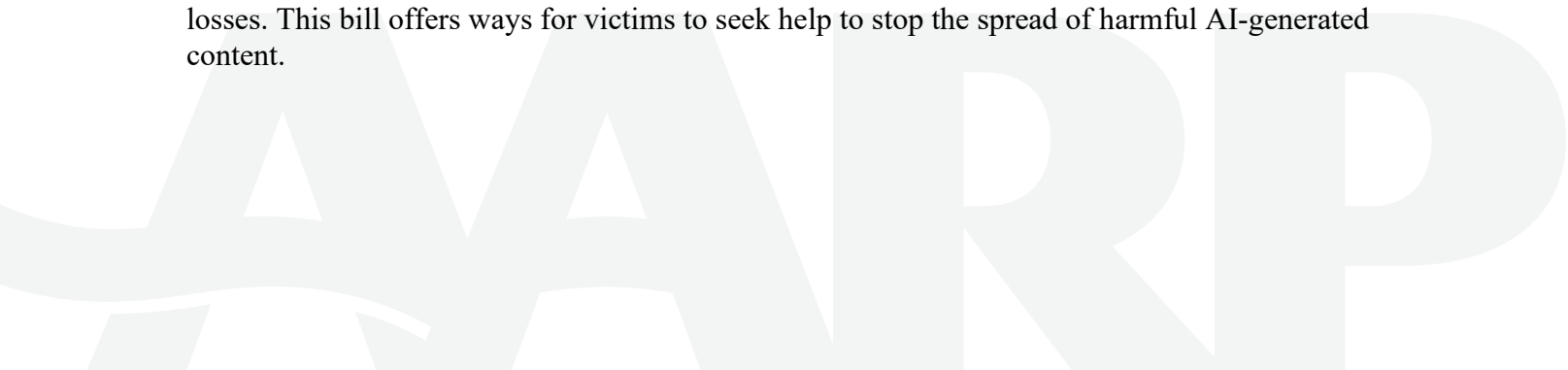
AARP Maryland welcomes SB 8 because it modernizes Maryland’s identity fraud laws to address the rapidly growing threat of AI-generated impersonations and deepfake technology. Marylanders, especially older adults, face increasingly sophisticated scams made possible by artificial intelligence.

Deepfake audio, video, and images can now convincingly replicate a person’s identity, voice, or likeness. SB 8 responds directly to these dangers by prohibiting the use of someone’s personal identifying information with fraudulent intent to cause physical injury, emotional distress, or economic harm. This represents a critical update to Maryland’s Code at a moment when AI-driven fraud is expanding quickly.

AARP hears from older Marylanders every day who have been targeted by scams that begin with impersonation, whether of a family member, a caregiver, or a government agency. With AI-generated voices and images becoming widely accessible, the risks of financial exploitation, emotional trauma, and reputational harm are escalating.

Why AARP Maryland Supports SB 8

SB 8 provides clear legal standards for prosecutors and law enforcement to act swiftly against AI-enabled fraud. It also establishes real accountability for individuals who weaponize deepfakes to manipulate, coerce, or deceive by establishing appropriate criminal penalties for those convicted of these crimes. Those who are victimized can suffer life-changing and devastating losses. This bill offers ways for victims to seek help to stop the spread of harmful AI-generated content.



Most importantly, this bill upholds the dignity, safety, and financial security of Maryland residents; these are values central to AARP's mission and commitment to protecting persons age 50 and older from fraud and identity theft. We welcome the provisions that authorize victims of deepfake crimes to seek redress by bringing civil action against those who commit these crimes. The courts are then empowered to issue an injunction and to grant any other appropriate relief that could help victims recover.

Conclusion

Artificial intelligence is advancing at a pace our laws must keep up with, and this bill targets malicious misuse, not innovation. SB 8 is a thoughtful, urgently needed response to ensure that Marylanders are protected from the misuse of AI technologies.

AARP Maryland respectfully urges a **favorable report** on SB 8, which creates guardrails to support technological progress while safeguarding Maryland residents from abuse.

If you have any questions, please contact Sara Westrick at swestrick@aarp.org or by calling 410-310-0374.

OSP Support SB8.pdf

Uploaded by: Sarah David

Position: FAV

STATE OF MARYLAND

CHARLTON T. HOWARD III
State Prosecutor

SARAH R. DAVID
Deputy State Prosecutor

ABIGAIL E. TICSE - MARY W. SETZER
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SUPPORT FOR SB 8

Mr. Chairman and Members of the Judicial Proceedings Committee:

We are writing to express the support of the Office of the State Prosecutor for Senate Bill 8. The Office of the State Prosecutor is tasked with enforcing political corruption and police misconduct cases throughout Maryland and believes that this legislation will help address the challenges artificial intelligence presents to the integrity of the electoral process as well as ensuring that people's identity is not manipulated using technology to defraud the public.

The Office of the State Prosecutor

The Office of the State Prosecutor is an independent agency within the Executive Branch of government. The Office is tasked with ensuring the honesty and integrity of State government and elections by conducting thorough, independent investigations and, when appropriate, prosecutions of criminal conduct affecting the integrity of our State and local government institutions, officials, employees, and elections.

SB 8- Criminalizing the use of artificial intelligence

SB 8 alters Maryland's existing identity theft statute to include the use of artificial intelligence and deep fake technology. This uses the same theory of identity theft with the criteria being that this technology is indistinguishable from an identifiable human being and that it was crafted with that intent. It is important to note that the requirement is that the person has to have fraudulent intent, there is no consent from the person, and there is intent to cause harm.

The crime is a felony not only due to the serious adverse ramifications using artificial technology causes but also because of the time and resources required for law enforcement to investigate the source of the technology. Discovering who committed the act often takes more than a year by the time the data is analyzed (especially if it is not known who created the deepfake). It is also a way to manipulate public information in a way that can impact people's lives, especially the lives of young people, in a very negative way. Cases in Maryland have included faking the voice of a high school principal to make the community believe he made antisemitic and racist remarks and a person manipulating images to look like minors were engaged in sexual activity and sharing it within their school community. These cases are extremely difficult to prosecute under our current laws.

This law is drafted to truly criminalize the identity theft component. The requisite criminal intent would not be met by something satirical or meant to entertain. Rather, by encapsulating

this language in the identity theft statute, it makes it clear that it is not criminalizing the fact the material is artificial, but the intent to make people believe it is not. Our office is particularly concerned about how this will be used in elections to target candidates for political office. While lies are protected in elections there are spaces where these artificial intelligence videos exceed the normal bounds of untruths and lead to fraud. We have already seen examples here and around the world. A video depicting the President of Argentina Javier Milei explaining how to sell human organs was spread around the internet threatening his reputation. Fake videos depicting world leaders and candidates being taken out of their homes in handcuffs, assaulting their staff, and even in one circumstance announcing the candidates withdrawal from the race right before election day easily go viral on the internet and cause significant harm to the people involved. There is a difference between saying something happened and creating a very real depiction of it happening and that is what this law seeks to address.

We encourage a favorable report on SB 8.

Sincerely,

CHARLTON T. HOWARD, III
STATE PROSECUTOR

pdf_[MD] SB 8_deepfakes_TechNet Comments.pdf

Uploaded by: margaret durkin

Position: FWA

January 20, 2026

The Honorable Will Smith
Chair
Senate Judicial Proceedings Committee
Maryland Senate
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB 8 (Hester) - Criminal Law - Identity Fraud - Artificial Intelligence and Deepfake Representations – Favorable with Amendments

Dear Chair Smith and Members of the Committee,

On behalf of TechNet, I'm writing to share comments on SB 8 on identity fraud by artificial intelligence and deepfake representations.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 106 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

Artificial intelligence has the potential to help us solve the greatest challenges of our time. It is being used to predict severe weather more accurately, protect critical infrastructure, defend against cyber threats, and accelerate the development of new medical treatments, including life-saving vaccines and ways to detect earlier signs of cancer. However, recognizing and addressing the genuine risks associated with AI is crucial for its responsible advancement.

In the context of regulating AI in deepfakes, liability should be solely on the natural person who is the bad actor violating the law. Further, we believe that any state law should align with federal exemptions contained in Section 230 of the federal code. As such, we're requesting the following language be added to SB 8:

- **"As such terms are defined in 47 U.S.C. § 230, an interactive computer service is not liable for content provided by another person in violation of this act."**

Thank you for the opportunity to share our comments on SB 8. Please don't hesitate to reach out with any questions.

Sincerely,

Margaret Durkin

Margaret Durkin
TechNet Executive Director, Pennsylvania & the Mid-Atlantic

MPA SB 8 - HB 0184 Memorandum Oppose Unless Amende

Uploaded by: Renata Colbert

Position: UNF



MOTION PICTURE ASSOCIATION

SB 8 / HB 0184

Memorandum of Opposition Unless Amended

January 20, 2026

The Motion Picture Association, Inc. (“MPA”) respectfully opposes, unless amended, SB 8 / HB 0184 Criminal Law - Identity Fraud - Artificial Intelligence and Deepfake Representations (the “Bill”) and offers proposed changes to the Bill as described herein.¹

SB 8 is nearly identical to SB 905 from last year. However, it is missing a critical set of amendments that were extensively negotiated with the Sponsor, Senator Hester, and other stakeholders. It is our understanding that Senator Hester has provided those same amendments to SB 8 to the committee, and if those amendments described below are adopted, particularly the exemption language and the revision striking “mislead,” the Motion Picture Association’s position on the bill would be neutral. We greatly appreciate Senator Hester working with us to address our concerns.

However, if SB 8 advances without those amendments, we must respectfully oppose. The MPA’s members use computer-generated imagery for a wide array of purposes. They recreate historical events. They modify images, video, and audio to enhance news reports, aid viewers and listeners in understanding content, create interesting visual effects, and age and “de- age” actors. Moreover, some of MPA’s members create satire, parody, and comedy, and use altered images and audio for this purpose. It is well-established that these expressions are protected by the First Amendment. *See, e.g., New York Times v. Sullivan*, 376 U.S. 254 (1964); *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988).

While the MPA appreciates that there are harmful uses of “deepfake” technologies, which may be appropriately constrained through criminal statutes, efforts to regulate the use of such technologies must be carefully crafted to avoid chilling protected and valuable creative speech and legitimate news coverage. The current draft of the Bill, however, does not offer such protection. Instead, the Bill opens the door for private individuals—including public figures who may be the subject of a digitally-altered rendering—to bring claims against media companies to stop them from publishing content that the individual claims will be “misleading.” This would force a studio or broadcaster to engage in costly legal battles to protect their First Amendment rights. By permitting such lawsuits to be brought even *before* the media is released, the Bill paves the way for courts to exercise a prior restraint on speech, which is particularly disfavored under the First

¹ The MPA is a not-for-profit trade association founded in 1922 to address issues of concern to the motion picture industry. Since that time, MPA has advanced the business and art of storytelling, protecting the creative and artistic freedoms of storytellers, and bringing entertainment and inspiration to audiences worldwide. The MPA’s member companies are: Netflix Studios, LLC; Paramount Pictures Corporation; Prime Amazon MGM Studios; Sony Pictures Entertainment Inc.; Universal City Studios LLC; Walt Disney Studios Motion Pictures; and Warner Bros. Entertainment, Inc. In addition, several of the MPA’s members have as corporate affiliates major news organizations (including ABC, NBC, and CBS News, and CNN) and dozens of owned-and-operated local television stations with broadcast news operations.

Amendment. This also imposes substantial practical costs, by potentially disrupting carefully crafted release schedules, marketing plans, and promotional efforts.

To limit the impact of this Bill to uses of deepfake technology that are akin to identity fraud, and without impairing legitimate First Amendment-protected creative expression, the MPA proposes the following addition to the definitions in the Bill.

(4) “FALSELY DEPICT” MEANS THE USE OR DISTRIBUTION OF A DEEPAKE REPRESENTATION WITH KNOWLEDGE OF THE FALSITY THE REPRESENTATION OR WITH THE INTENT OF MISREPRESENTING THE AUTHENTICITY OR PROVENANCE OF THE REPRESENTATION.

Additionally, the MPA proposes the following revision to Section (f) of the Bill, which will remove the ambiguous term “mislead,” which has the potential to encompass a wide range of protected speech, including parody and satire.

(2-Line24) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT INTENT USE ARTIFICIAL INTELLIGENCE OR A DEEPAKE REPRESENTATION TO:

(I) IMPERSONATE, FALSELY DEPICT, OR CLAIM TO REPRESENT ANOTHER PERSON WITH THE INTENT TO DEFRAUD, MISLEAD, OR CAUSE HARM TO THAT PERSON OR ANY OTHER PERSON;

Additionally, with no express protections for parody, satire, news reporting, and other protected speech, the Bill may force MPA’s members and others to choose between foregoing such digitally-altered representations altogether and defending against costly but meritless lawsuits.

To prevent this chilling effect, the MPA proposes a carveout that expressly exempts the kinds of speech that is protected by the First Amendment. *See Schad v. Borough of Mt. Ephraim*, 452 U.S. 61, 65 (1981) (“Entertainment, as well as political and ideological speech, is protected; motion pictures, programs broadcast by radio and television, and live entertainment, such as musical and dramatic works fall within the First Amendment guarantee.”).

The MPA proposes the following addition to the Bill as section (F)(3):

(2) IT IS NOT A VIOLATION OF SUBSECTION (F)(2) OF THIS SECTION TO CREATE, USE, OR OTHERWISE DISTRIBUTE ANY AUDIO OR VISUAL CONTENT, REGARDLESS OF WHETHER IT IS COMPUTER-GENERATED, THAT RELATES TO A MATTER OF PUBLIC INTEREST, OR THAT IS PARODY, SATIRE, COMMENTARY OR CRITICISM, OR WHICH INVOLVES WORKS OF POLITICAL OR NEWSWORTHY VALUE.

Such categorical exemptions—rather than protections specific to certain kinds of entities or industries—are in keeping with the principles of the First Amendment. And indeed, this language would bring the Bill’s First Amendment protections in line with statutes that have passed regulating

deepfakes across the country. *See, e.g.*, Arizona (Az. Stat. § 16-1024(B)),² Delaware (Del. Stat. Title 15 § 5145),³ Idaho (Id. Stat. § 18-6606(5)),⁴ New Hampshire (N.H. Rev. Stat. § 638:26-a(IV));⁵ Louisiana (La. Rev. Stat. 14:73.13(C)(1)),⁶ Mississippi (Miss. Stat. § 97-13-47),⁷ New York (N.Y. Civ. Rts. L. § 52-c(4));⁸ and New Jersey (N.J. Stat. § 2C:21-17.8).⁹

The MPA welcomes the opportunity to answer questions and provide additional input on the Bill. Legislators and their staff seeking additional information may contact the MPA’s consultants in Annapolis, Nick Manis and John Favazza, at nmanis@maniscanning.com and jfavazza@maniscanning.com.

Sincerely,

Renata Colbert

Renata Colbert
Director
State Government Affairs

² “This section does not apply to . . . satire or parody.”

³ “The prohibition . . . does not apply to . . . (1) A radio or television broadcasting station . . . that broadcasts a deceptive and fraudulent deepfake prohibited by this section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events, if the broadcast clearly acknowledges through content or a disclosure . . . that there are questions about the authenticity of the materially-deceptive audio or visual media, or in cases where federal law requires broadcasters to air advertisements from legally-qualified candidates; . . . (3) An internet website . . . if the publication clearly states that the materially deceptive audio or visual media does not accurately represent the speech or conduct of the depicted individual; (4) Materially-deceptive audio or visual media that constitutes satire or parody.”

⁴ “Subsection (1)(a) of this section shall not apply when: . . . (c) The explicit synthetic media relates to a matter of public interest . . .”

⁵ “This section shall not apply to . . . Any radio or television broadcasting station or network . . . that publishes, distributes or broadcasts a deepfake . . . as part of a bona fide news report, newscast, news story, news documentary or similar undertaking in which the deepfake is a subject of the report and in which publication, distribution, or broadcast there is contained a clear acknowledgment that there are questions about the authenticity of the materials which are the subject of the report [or] A video, audio or any other media that constitutes satire or parody.”

⁶ “‘Deepfake’ does not include any material that constitutes a work of political, public interest, or newsworthy value, including commentary, criticism, satire, or parody, or that includes content, context, or a clear disclosure visible throughout the duration of the recording that would cause a reasonable person to understand that the audio or visual media is not a record of a real event.”

⁷ “This section does not apply to . . . A radio or television broadcasting station that broadcasts any digitization prohibited by subsection (2) of this section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage or a bona fide news event [or] Content that constitutes satire or parody.”

⁸ “A person is not liable under this section if (ii) the sexually explicit material is a matter of legitimate public concern, a work of political or newsworthy value or similar work, or commentary, criticism or disclosure that is otherwise protected by the constitution of this state or the United States; provided that sexually explicit material shall not be considered of newsworthy value solely because the depicted individual is a public figure.”

⁹ “[This provision] shall not apply to content that a reasonable viewer or listener would understand to constitute criticism, comment, satire, parody, news reporting, teaching, scholarship, research, or any content that a reasonable viewer or listener would not believe to authentically depict speech or conduct.”

SB 8 CPD Letter of Information.pdf

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Assistant Attorney General

January 22, 2026

TO: The Honorable William C. Smith, Jr., Chair
Judicial Proceedings Committee

FROM: Hanna Abrams, Assistant Attorney General

RE: Senate Bill 8 – Identify Fraud – Artificial Intelligence and Deepfake
Representations – LETTER OF INFORMATION

The Consumer Protection Division of the Office of the Attorney General submits the following letter of information with regard to Senate Bill 8. Senate Bill 8 expands the criminal identity fraud statute to prohibit the use of artificial intelligence and deepfake representations to impersonate or falsely depict a person to cause harm.

Senate Bill 8 incorporates a definition of “artificial intelligence” that does not fully reflect the capabilities of emerging AI systems. Senate Bill 8 refers to the definition of “artificial intelligence” found in the § 3.5-801 of the State Finance and Procurement Article which states:

- (c) “Artificial intelligence” means a machine-based system that:
- (1) can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments;
 - (2) uses machine and human-based inputs to perceive real and virtual environments and abstracts those perceptions into models through analysis in an automated manner; and
 - (3) uses model inference to formulate options for information or action.

This definition does not adequately address two aspects of artificial intelligence. First, by referring only to “predictions, recommendations, or decisions,” and omitting any reference to content, the definition may not clearly encompass systems whose primary function is the generation of content or other original outputs. Although content generation can be described in technical terms as a form of prediction, that characterization is not readily apparent from the term’s ordinary meaning. The express inclusion of content generation is particularly important

in the context of legislation regulating deepfakes. Second, in limiting itself to “human-defined objectives,” it does not explicitly encompass implicit objectives. Implicit objectives are goals that are not directly coded but learned from data or inferred from behavior, such as optimizing performance based on user interactions.

These omissions risk creating regulatory gaps and may undermine the effectiveness of the legislation as applied to contemporary and future artificial intelligence models. As artificial intelligence systems generate content and increasingly operate with varying degrees of autonomy, the Division recommends the definition found in the Maryland Insurance Code:

“Artificial intelligence” means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

MD Code Ann., Ins., § 15-10B-05.1.

This definition aligns with the definition used in many other state artificial intelligence regulation. *See, e.g.*, California’s CA Gov’t Code § 11546.45.5 (2024) and Colorado’s C.R.S. § 6-1-1701(2)). This definition provides sufficient flexibility to accommodate future developments and advances SB 8’s purpose of protecting Marylanders from identity fraud perpetrated through artificial intelligence, including deepfakes.

Cc: Senator Katie Fry Hester
Senator Sara Love
Senator Shelley Hettleman
Members, Judicial Proceedings Committee

Maryland Catholic Conference_INFOSB008_.pdf

Uploaded by: Michelle Zelaya

Position: INFO



MARYLAND
CATHOLIC
CONFERENCE

Jan 22ND 2026

SB008

Criminal Law - Identity Fraud - Artificial Intelligence and Deepfake Representation
Judicial Proceedings Committee
Position: INFO only

The Maryland Catholic Conference offers information only on **Senate Bill 008**. The Maryland Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

This bill makes it unlawful for an individual to use another person's identifying information or engage in specified conduct that results in physical harm, significant emotional distress, or financial damage. It also prohibits the use of artificial intelligence and deep-fake representations for harmful or fraudulent purposes. The bill establishes penalties of up to five years of imprisonment and a fine of up to \$10,000, or both, when one victim is involved. When two or more victims are affected, penalties increase to up to ten years of imprisonment and a fine of up to \$15,000, or both.

The misuse of artificial intelligence and deep-fake technology undermines the dignity of the human person by distorting identity, spreading falsehoods, and causing tangible harm to individuals and families. Protecting individuals from deception, exploitation, and psychological or economic harm is essential to fostering a society rooted in truth and respect.

In their pastoral letter on artificial intelligence, the Maryland Bishops state, "AI must never be used to deepen digital colonialism, surveil vulnerable populations, or create weapons of oppression." As artificial intelligence becomes more prevalent, ethical responsibility requires that its use be guided by accountability, transparency, and care for those most at risk of harm. This bill reflects an effort to balance innovation with moral responsibility by setting clear boundaries around harmful conduct.

For these reasons, it is essential to regulate artificial intelligence in a way that carefully balances innovation, development, and public safety. The purpose of this information is not to discourage technological advancement, but to highlight the serious ethical implications of artificial intelligence and to ensure that its potential impacts on individuals, families, and communities are fully considered as the technology continues to evolve.

In the same pastoral letter, the Maryland Bishops further reflect, “Today, artificial intelligence is a test of our humanity, our ethics, and our faith. Will we allow technology to form us in its image—or will we shape it according to the Gospel?”

With these concerns in mind, the Maryland Catholic Conference urges a holistic and responsible approach to the growth of artificial intelligence—one that supports innovation while prioritizing the protection, dignity, and safety of all Marylanders above all else.

For these reasons, the Maryland Catholic Conference provides information only on **Senate Bill 008**.