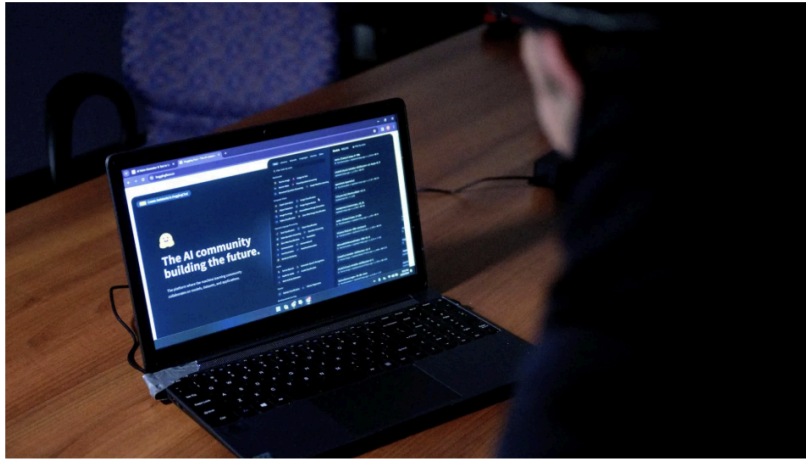


## Maryland lawmakers to hear AI, deepfake bills to address evolving technology



AP Photo/Matthew Hinton  
Paul Carpenter describes AI software during an interview in New Orleans, Friday, Feb. 23, 2024. Carpenter says he was hired in January to use AI software to imitate President Joe Biden's voice to convince New Hampshire Democrat voters not to vote in the state's presidential primary. (AP Photo/Matthew Hinton)



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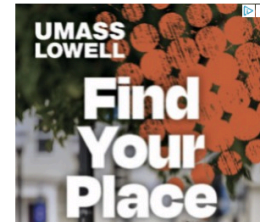
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Maryland state lawmakers will hear multiple proposals involving deepfakes and artificial intelligence this [session](#), as the technology continues to ramp up in use and quality, despite moves from the Trump administration to limit states' abilities to regulate AI.

Several of these bills are led by [Sen. Katie Fry Hester](#), a Howard County Democrat, who last year pushed unanimously passed legislation to criminalize the distribution of AI-generated pornography. She reintroduced two pieces of legislation on deepfakes, which she said had run out of time to pass last year, and plans to introduce several more on AI.

One proposal, Senate Bill 141, intends to stop the spread of election disinformation or misinformation. It will be considered by the Senate Education, Energy, and the Environment committee Wednesday morning. Senate Bill 8, which would criminalize the use of deepfakes to impersonate someone or cause serious harm, will be considered by the Senate Judicial Proceedings Committee on Thursday.

Deepfakes are artificial representations of people, usually created through AI. These can include audio, video or photos made to mimic a person.

“Artificial intelligence is one of the most transformative forces in our society. It’s shaping everything from education to public safety to elections in the economy,” Hester told The Baltimore Sun. “But as the artificial intelligence grows in its power and opportunities, the risks also grow.”

Hester also plans to introduce a bill this session to regulate chatbots following reports of suicides after using the technology. Her legislative team is also working on bills to encourage AI innovation through tax credits, promote AI literacy in K-12 education and establish a public-private partnership to create tech extension centers throughout the state.

Supporters of Hester’s deepfake bills say the legislation would help catch Maryland’s laws up with the progress being made with artificial intelligence technology and its widespread use without harming technology companies.

The reintroduced legislation comes after President Donald Trump released an executive order last month, attempting to bar states from regulating artificial intelligence. Trump argued that state-by-state policies would create a complicated environment for companies, especially startups, to adhere to. The White House did not respond to a request for comment by publication.

Though very supportive of Hester’s deepfake regulation last year, House Minority Whip Jesse Pippy said delegates will have to take into consideration whether any state policies “run afoul” of Trump’s order. Pippy voted for the bill regulating election misinformation, including through deepfakes, last session.

Hester and other lawmakers said they aren’t concerned with the executive order, and neither is Maryland Attorney General Anthony Brown, a Democrat. His office, Brown said, firmly believes that there are no restrictions imposed by the federal government because Congress has not passed a law barring states from regulating the technology.

The Senate removed a moratorium on state legislation of AI from the “One Big, Beautiful Bill” last year by a vote of 99-1.

“A presidential executive order attempting or seeking to preempt states, we would view that as not having the force of law,” Brown said. “Nobody wants to stifle AI. We want to make sure that there are guardrails in there around privacy, things like deepfakes and the way that you can use that tool to manipulate and deceive.”

## Keeping up with crimes committed

Two years ago, a man was accused of creating a fake AI voice recording of then-[Pikesville High School Principal](#) Eric Eiswert making racist remarks. Baltimore County State's Attorney Scott Shellenberger struggled to find a way to charge him because, he said, there was nothing in the law books that would fit the crime aside from disturbing school operations.

"I think it's important that the laws that we have that can punish criminals keep up with the types of crime they commit," Shellenberger said. "I went through the very thick criminal law book and tried to look for crimes that would match what had been done when we realized it was a fake AI, we couldn't find anything."

If passed, Senate Bill 8 would allow people who impersonate others through deepfakes or other impersonation technology to be charged if they cause harm, such as emotional distress, physical harm or economic loss. If found guilty, the person who made the false representation could be sent to prison for five years or fined \$10,000.

Sen. Will Smith, a Montgomery County Democrat who chairs the Judicial Proceedings Committee, said law hasn't caught up with AI and the issue is definitely going to be addressed this session. The legislation can be difficult, he said, as to not violate any constitutional rights and to keep up with the quickly evolving technology.

Senate Bill 141 would prohibit the distribution of misinformation, including deepfakes, to attempt to misinform voters in order to prevent them from casting a ballot.

The misinformation listed in the bill could include the "time, place, or manner of an election, election results, or voting rights in the state." If such misinformation was created, the state administrator of elections would correct the incorrect information, could seek an injunction to remove the incorrect information from online platforms and could file a lawsuit against the perpetrator. The bill does not apply to satire or to news outlets that make it clear that the item is deceptive. Those found guilty, if this law passed, would face a \$5,000 fine or imprisonment for five years.

There have been instances of deepfakes being used to spread misinformation, including an [AI-generated call](#) to multiple voters that sounded like President Joe Biden telling them not to vote in the 2024 New Hampshire presidential primary. Although there haven't been any incidents of this type of election misinformation in Maryland, Maryland State Administrator of Elections Jared DeMarinis said now is the time to act.

"If it's such a deepfake that is influencing the voter's decision to cast the ballot altogether, then that's disenfranchising the voter," DeMarinis said. "That's where the deepfake itself has gone beyond and crossed into almost, I would say, criminal activity."

## Chatbot Bill

As the use of ChatGPT and other chatbots have increased, there have been several reported suicides by people who have gone to large language models for advice and therapy.

Hester plans to introduce a bill to address this pattern, especially for minors.

The drafted bill, shared with The Sun, would prohibit chatbots from being available to minors unless the developers implement policies to prevent the encouragement of self-harm, suicide, harming others or isolation. To have minors use the chatbots, developers would also need the bots to not offer mental health therapy to minors or manipulate them into illegal activity. The generative AI developer would also need a verification process to determine if users are minors.

Companion chatbots would also be required, no matter the user, to have a method of detecting suicidal ideation or self-harm mentioned in chats and addressing those topics with contact information to appropriate crisis services.