1   HOUSE BILL NO. 178

2   INTRODUCED BY B. MITCHELL, D. ZOLNIKOV, C. HINKLE, G. LAMMERS, J. GILLETTE, T. FALK, K.

3   BOGNER

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5   A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE USE OF ARTIFICIAL INTELLIGENCE SYSTEMS

6   BY STATE AND LOCAL GOVERNMENT; PROHIBITING CERTAIN USES OF ARTIFICIAL INTELLIGENCE

7   SYSTEMS; REQUIRING DISCLOSURE OF CERTAIN USES OF ARTIFICIAL INTELLIGENCE SYSTEMS;

8   REQUIRING CERTAIN DECISIONS OR RECOMMENDATIONS TO BE REVIEWED BY A HUMAN IN AN

9   APPROPRIATE RESPONSIBLE POSITION; AND PROVIDING DEFINITIONS."

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11   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13   NEW SECTION. **Section 1.   Definitions.** As used in [sections 1 through 4], unless the context clearly

14   indicates otherwise, the following definitions apply:

15   (1)   "Artificial intelligence system" means a machine learning-based system that, for any explicit or

16   implicit objective, infers from the inputs the system receives how to generate outputs, including but not limited

17   to content, decisions, predictions, and recommendations that can influence physical or virtual environments.

18   (2)   "COGNITIVE BEHAVIORAL MANIPULATION" MEANS THE USE OF ARTIFICIAL INTELLIGENCE SYSTEMS TO

19   INFLUENCE OR ALTER AN INDIVIDUAL'S OR GROUP'S THOUGHTS, EMOTIONS, DECISIONS, OR ACTIONS THROUGH

20   DECEPTIVE, COERCIVE, OR SUBLIMINAL MEANS, OR BY EXPLOITING PSYCHOLOGICAL VULNERABILITIES, WITHOUT THE

21   INFORMED CONSENT OF THE INDIVIDUAL OR GROUP BEING INFLUENCED.

22   (2) (3)   "Government entity" has the SAME meaning AS provided in 46-5-110.

23   (3) (4)   "Human in an appropriate responsible position" means a human person who is a state officer or

24   a public employee as those terms are defined in 2-2-102 who has reasonable training in the uses and

25   limitations of artificial intelligence systems and is in a position to modify or reject the particular use of an artificial

26   intelligence system.

27   (5)   "PEACE OFFICER" HAS THE SAME MEANING AS PROVIDED IN 45-2-101.

28   (4) (6)   "State officer" has the SAME meaning AS provided in 2-2-102.

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2   <u>NEW SECTION.</u> **Section 2.**   **Prohibited use of artificial intelligence by government entity.** A

3 government entity or state officer may not use an artificial intelligence system:

4   (1)   for the cognitive behavioral manipulation of a person or group;

5   (2)   to classify a person or group based on behavior, socioeconomic status, or personal

6 characteristics resulting in unlawful discrimination or a disparate impact on a person or group based on an

7 actual or perceived differentiating characteristic;

8   (3)   for a ~~deceptive or~~ malicious purpose; <u>OR</u>

9   (4)   for surveillance of public spaces, except:

10   (a)   to locate a missing<u>, HIGH-RISK, ENDANGERED, OR WANTED</u> person; or

11   (b)   in conformity with Title 44, chapter 15, part 1, regarding continuous facial surveillance.

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13   <u>NEW SECTION.</u> **Section 3.**   **Required disclosures by government entities <u>-- EXEMPTION</u>.** (1) ~~If~~

14 <u>EXCEPT AS PROVIDED IN SUBSECTION (2)</u>:

15   <u>(A)</u>   <u>IF</u> a government entity or state officer publishes material produced by an artificial intelligence

16 system that is not reviewed by a human in an appropriate responsible position, the material must be

17 accompanied by a disclosure that the material was produced by an artificial intelligence system~~.~~ <u>; AND</u>

18   ~~(2)~~ <u>(B)</u>   ~~If~~ <u>IF</u> a government entity or state officer has an interface with the public that uses an artificial

19 intelligence system, the use of the artificial intelligence system in the interface must be disclosed.

20   <u>(2)</u>   <u>A PEACE OFFICER ACTING IN THE PEACE OFFICER'S OFFICIAL CAPACITY TO INVESTIGATE CRIMES IS</u>

21 <u>EXEMPT FROM A DISCLOSURE REQUIREMENT IN SUBSECTION (1) WHEN THE DISCLOSURE MAY RESULT IN</u>:

22   <u>(A)</u>   <u>ENDANGERMENT OF THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL</u>;

23   <u>(B)</u>   <u>FLIGHT FROM PROSECUTION</u>;

24   <u>(C)</u>   <u>DESTRUCTION OR TAMPERING WITH EVIDENCE</u>;

25   <u>(D)</u>   <u>INTIMIDATION OF POTENTIAL WITNESSES; OR</u>

26   <u>(E)</u>   <u>OTHERWISE SERIOUSLY JEOPARDIZING AN INVESTIGATION OR UNDULY DELAYING A TRIAL</u>.

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28   <u>NEW SECTION.</u> **Section 4.**   **Required review.** If an artificial intelligence system produces a

1   recommendation or decision for a government entity or state officer that could impact the rights, duties, or

2   privileges and immunities of a person, the recommendation or decision must be reviewed and is subject to

3   rejection or modification by a human in an appropriate responsible position.

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5   NEW SECTION. **Section 5.   Codification instruction.** [Sections 1 through 4] are intended to be

6   codified as an integral part of Title 2, and the provisions of Title 2 apply to [sections 1 through 4].

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8   NEW SECTION. **Section 6.   Severability.** If a part of [this act] is invalid, all valid parts that are

9   severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

10   the part remains in effect in all valid applications that are severable from the invalid applications.

11   - END -