May 7, 2025

Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and esteemed members of the Senate Judiciary Committee—I appreciate the opportunity to appear before you today to offer testimony in support of Senate Bill 163.

Protecting the unprotected has been a key focus during my time as Attorney General. I support the provisions in Senate Bill 163 because they are written with an emphasis on protecting vulnerable populations by providing essential guardrails on the use of Artificial Intelligence (AI) in Ohio.

Technology is not inherently good or evil; it is a neutral tool that is dependent on the creator who develops it, or the end-user who wields it. In the right hands, AI can support efficiency and enhanced reliability to make our lives safer and more convenient. In the hands of a criminal, AI can destroy a hard-earned reputation and allow one person to deceive millions with a few keystrokes from the comfort of their own home.

Blurring the lines between fiction and reality has never been as straightforward and user-friendly as it is today.

A simple Google search for "deepfake tool" will lead you to an assortment of webpages and advertising tools for the creation of deepfakes that are fully accessible, even to a novice. And with the proliferation and advances in this technology, spotting a fake is becoming more and more difficult. An unknown number of altered images and faked videos are, at any time, circulating around social media and posted across the internet.

We have all seen the news stories covering instances of deepfake fraud. Recently, a multinational British engineering firm (Arup is the name of the firm) revealed they were the victims of a $25 million-dollar deepfake scam.[1] While details are still being released, the company did admit that "fake voices and images were used." Here in the U.S., a school custodian used AI software to create an audio clip which artificially manipulated the school Principal's voice into making racist and antisemitic comments[2]. These are simply two examples. We know from other widely reported cases that a fake can be as subtle as altering an audio file to make it appear that a speaker is slurring their speech, or a more complex fake with video and audio portraying a person saying or doing something scandalous.

Victims of harmful deepfakes range from everyday citizens: your friends, family, co-workers and neighbors—to celebrities, politicians, and other people of influence. Misuse of advanced

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[1] https://edition.cnn.com/2024/05/16/tech/arup-deepfake-scam-loss-hong-kong-intl-hnk/index.html

[2] https://www.nytimes.com/2024/04/25/technology/deepfake-recording-principal-arrest.html?nl=the-morning&regi_id=231921663&segment_id=164859

technology like AI represents not only a concern for our individual liberties, but also can be used to undermine faith in our government and each other.

As Attorney General, I have made it a priority to take on the unchecked powers of "Big Tech." While we continue to learn more about AI and its access to content across the world wide web, we certainly know by now that AI pulls from original source materials to generate content at the behest of its human users. Unlike most authors wishing to attribute credit to prior authorship, AI has no responsibility to prove whether its work is truly original.

Accordingly, SB 163 attempts to take on these pitfalls with a three-pronged approach.

First, the bill requires an AI system to imprint upon its work a watermark to inform the user and the public that the content was **not** generated by a human. This would provide a minimal level of transparency and notice to consumers when they encounter AI-generated content.

Second, the bill takes the novel approach of building out the identity theft statute to include AI-generated deepfakes. Online criminals routinely steal your name, address, and social security number, but the law does not currently contemplate what happens when someone steals or uses your physical likeness without your permission. By adding the prohibition of the use of a deepfake, defined in the bill as "a replica of a person's persona" under the identity theft statute, we will be better equipped to protect our own likenesses online from unauthorized use.

Most importantly, SB 163 would criminalize creating, transmitting, or possessing "artificially generated depiction" of a minor or an impaired person. This would align AI-generated images with existing prohibitions contained in Ohio's current child pornography statute.

Protecting the unprotected is key here. We absolutely must do everything we can to ensure that AI tools are not used for evil, and that our children can be children without the fear of AI manipulated photos appearing online.

These are the type of things that keep me up at night.

Conclusion

Chairman Manning and members of the committee, thank you again for allowing me to provide testimony in support of SB 163. I commend Senators Blessing and Johnson for taking on this complicated issue, and I would be happy to take questions at this time.