# N.H. weighs preemptive ban on state AI surveillance

The novel measure stands out among hundreds of AI-related bills introduced this year.

A bill advancing in New Hampshire would prohibit the state from using artificial intelligence to surveil its citizens, as fears grow about AI's potential to impede upon individual rights and liberties.

The House passed the bipartisan legislation, which would place an array of limits on state agencies, last week.

With lawmakers across the country seeking to regulate the fast-emerging technology, the novel measure stands out among hundreds of AI-related bills introduced in statehouses this year.

"I don't expect our state agencies to be doing bad things, but I just wanted to make sure," the bill's sponsor, Rep. Tom Cormen (D), a retired professor of computer science at Dartmouth College, said in an interview. "Let's protect the rights of people from AI."

The bill would bar government use of AI-backed surveillance systems such as facial recognition in public places without a warrant.

Facial recognition relies on AI to match faces to those in a vast database. The technology was used to identify participants in the January 6, 2021, attack on the U.S. Capitol.

But critics including the American Civil Liberties Union have called the technology "an unprecedented threat to our privacy and civil liberties" and warned that the algorithms discriminate against people of color.

The ACLU criticized Lakeland, Fla., last week for deploying facial recognition cameras in its downtown core.

Several cities and a handful of states have banned or restricted the use of facial recognition by government agencies. A 2020 Vermont law enacted a moratorium on the use of the technology by law enforcement. The following year, Maine lawmakers unanimously passed a sweeping prohibition on government use – not just law enforcement — of facial recognition.

Massachusetts, Montana, Virginia and Washington also have laws on the books. New York bars the use of facial recognition in schools. California banned its use in association with police body cameras, but that expired last year.

Rather than regulate facial recognition directly as other states have, Cormen's proposal targets "real-time and remote biometric systems used for surveillance in public spaces" that are powered by AI.

Cormen told Pluribus News he has been tracking AI for a half-century as a computer scientist and that his bill, which was informed by Europe's first-in-the-world AI regulations and a pending omnibus AI bill in Connecticut, is a response to the recent "explosion in the capability of AI."

**Read more:** Sweeping AI regulation proposed in Connecticut

"I'm a quantitative guy — I know what exponential really means. This has been exponential, and it's going to continue … and I feel like we need to get ahead of it," Cormen said.

The legislation is part of a package of three AI-related measures passed by the House. The others require political campaigns to disclose if they are using AI in election ads and bar deepfakes meant to embarrass, harass or defame

another individual.

Election deepfake laws have been passed in 11 states, including five so far this year, according to tracking by Public Citizen. More than a dozen states have also enacted laws to regulate unauthorized intimate or pornographic deepfakes.

Cormen's bill would also require the state to disclose if it is using AI directly or indirectly to interact with customers or if generative AI has been used to create materials that have not been reviewed or edited by a human.

Other protections in the legislation include a requirement that a human review any decision made by an AI system that "once implemented or executed cannot be reversed."

Cormen offered the example of a robot capable of deadly force that police might deploy in a hostage situation.

"The robot does not decide what to do," Cormen said.

Police robots are also contemplated in a comprehensive cybersecurity and AI bill introduced in Massachusetts. That measure would require law enforcement to obtain a warrant to deploy a robotic device on private property or "to conduct surveillance or location tracking" in situations where a warrant would be required if a human was doing the work.

While most policing is done at the local level, the New Hampshire ban on AI surveillance would not apply to local authorities. Cormen said he made a strategic decision to keep the bill narrowly focused but might want to expand the prohibition beyond state agencies in the future.

"I didn't want to swing for the fences," Cormen said. "I wanted to do something that I thought could actually pass in the New Hampshire House."

An earlier version of Cormen's bill included a provision that would bar using AI to influence a person's actions, also known as "cognitive behavioral manipulation." Cormen said he was convinced to drop that language when a state information technology expert pointed out that it could, for instance, prohibit the use of an AI chatbot to direct a suicidal person to resources.