

AI Enabled Identity Fraud and Deepfake Impersonation

Policy Position Paper | MRAC Responsible AI Policy Series

MARYLAND RESPONSIBLE AI COUNCIL • Public Sector and Law, Civil Rights and Society Committees

October 18, 2026 | Version 1.1 | Contact: kofi.nyarko@morgan.edu

1. Policy One-Pager

Policy one-pager | Accompanies the full position paper | October 2026

The Issue Synthetic audio, images, and video can be used to impersonate Maryland residents. Victims need practical relief, and officials need reliable evidence. Maryland now has a statutory foundation; implementation must preserve both accountability and protected expression [1].

Why It Matters Now Chapter 445 took effect October 1, 2026. Evidence-handling practices and agency purchases made now will shape how the law works [1].

What Maryland Should Weigh

Key Risks	Key Opportunities
<ul style="list-style-type: none">• Victims face fraud, reputational injury, and barriers to relief.• False forensic conclusions can undermine due process.• Staff can lose expertise or face unmanageable review workloads.	<ul style="list-style-type: none">• Existing civil remedies can support victim recovery.• Validated tools can assist careful human investigation.• Training and research partnerships can strengthen State expertise.

What the Evidence Shows NIST finds that provenance, watermarking, and detection each have limits; no approach is comprehensive [4]. Its identity-proofing guidance supports independent testing and human review [5].

No method establishes intent or a universal detector accuracy rate.

MRAC's Recommendations

1. Strengthen access to civil remedies: assess practical barriers.
2. Monitor enforcement outcomes: report demographic patterns.
3. Validate forensic tools and disclose limitations: test independently.
4. Protect lawful expression: retain civil-liberties safeguards.
5. Review coverage of identifying images and audio: assess remaining gaps.

The Ask The General Assembly should review remaining statutory gaps, and DoIT and implementing agencies should apply safeguards through Maryland's existing Responsible AI Policy [1–3].

Prepared by Public Sector and Law, Civil Rights and Society Committees. This one-pager summarizes the full position paper, "AI Enabled Identity Fraud and Deepfake Impersonation," October 2026; see the full paper for sources, methods, and detail.

2. Background and Context

Generative AI can create or alter speech, images, and video. The governance question is the conduct and harm involved, not the mere use of synthetic media. Fraudulent impersonation differs from beneficial accessibility, creative, educational, and research uses; a detector's estimate of synthetic origin does not establish a person's intent [4,6].

Senate Bill 8 became Chapter 445 in May 2026 and took effect October 1. It addresses specified AI or deepfake misuse and provides a civil action for victims of covered conduct [1]. MRAC's recommendations therefore address implementation and possible refinements, not a claim that Maryland has yet to legislate.

3. Risks and Opportunities

3.1 Risks

1. Harm and unequal access to relief. Residents may suffer economic or reputational injury, while litigation expense and exposure of personal material can discourage action. MRAC treats access as an implementation priority [1,6].
2. Mistaken findings and privacy loss. Unvalidated tools or missing context can turn an uncertain authenticity judgment into an unwarranted allegation. Collecting more identity material can create additional privacy exposure [4,5].
3. Workforce dependence and overload. MRAC identifies the risk that staff substitute detector scores for expertise or face review demands without enough training and time. This is a prospective governance concern, not a measured Maryland workforce effect [6].

3.2 Opportunities

1. More effective victim recovery. Clear procedures can make existing legal remedies easier to understand and use [1].
2. Better evidence practices. Testing and provenance checks can help trained reviewers assess a file's history without treating any single signal as conclusive [4,5].
3. Stronger State expertise. MRAC sees opportunities for examiner training and Maryland university partnerships that support, rather than replace, professional judgment [6].

4. Policy Considerations and Implications for Maryland

For criminal justice, authenticity analysis must be separated from attribution and intent. For agency procurement, evaluation should match the intended task: voice-clone detection, image analysis, and identity proofing are different capabilities. DoIT's existing intake and agency risk processes provide a route for governing State tools; they do not replace court evidentiary rules or bind the Judiciary through executive policy [2,3].

5. Sources and Methods

This paper develops the committees' SB 8 analysis and the April 2026 position paper [6,7]. The October revision checks the enacted statute, Maryland governance documents, and NIST technical guidance [1–5]. It reports no new stakeholder interviews or original performance study. The sources support technical caution and a legal baseline; the remedy, reporting, and speech proposals remain MRAC policy judgments, not demonstrated causal effects.

6. MRAC Policy Position

MRAC supports accountability for knowing, willful, fraudulent AI-enabled impersonation, practical victim remedies, equitable enforcement, and reliable evidence. Its position rests on four principles: legal clarity, access to relief, evidentiary reliability, and protection of lawful expression. Implementation should preserve the enacted intent requirements and avoid treating all synthetic content as unlawful [1,6].

7. Recommendations and Legislative Guidance

1. Strengthen access to civil remedies. The General Assembly should assess whether the existing civil action provides practical access to relief and whether targeted attorney-fee provisions, statutory damages, or plaintiff privacy safeguards are warranted. Chapter 445 already permits civil actions and injunctive or other appropriate relief; these proposals concern accessibility and possible additions, not the creation of an entirely absent remedy. Review should build on that baseline and MRAC's prior access concerns [1,6].

2. Monitor enforcement outcomes. The General Assembly should require an annual report from a designated existing justice agency, coordinated with relevant enforcement bodies, on charges and dispositions under the new provisions. Use lawfully available demographic data, consistent definitions, small-cell suppression, and explanation of missing data. This reporting would enable review of unequal outcomes without presuming disparities that have not been established; it implements MRAC's equity recommendation [1,6].

3. Validate forensic tools and disclose limitations. State procurement and agency procedures should require independent testing for the specific media type and operating conditions, version records, error estimates, and disclosure of known limits. Train reviewers to document handling, preserve originals, and explain uncertainty; courts retain control of admissibility. This applies NIST's technical cautions and testing principles to MRAC's evidence-reliability objective [3–6].

4. Protect lawful expression. The General Assembly should consider explicit safeguards for parody, satire, journalism, teaching, and research when assessing refinements to the statute. Implementing agencies should preserve the applicable intent and harm thresholds in training and enforcement guidance. The recommendation expresses MRAC's civil-liberties position; it does not assert that a particular statutory provision has been held unconstitutional [1,6].

5. Review coverage of identifying images and audio. The General Assembly should examine whether unpublished images and recordings used to generate harmful impersonations require further protection within personal-identifying-information provisions. Compare proposed changes with the statute's existing biometric and deepfake coverage to avoid overlap or overbreadth. MRAC recommends this targeted review rather than assuming that the enacted law leaves all image or audio misuse unaddressed [1,6].

8. The Ask

MRAC asks the General Assembly to review the targeted statutory refinements above and asks DoIT, in coordination with implementing executive agencies, to apply procurement, testing, documentation, and workforce safeguards under Maryland's Responsible AI Policy and implementation guidance. Court-related evidence standards should proceed through the appropriate judicial channels. MRAC does not propose a parallel AI oversight body [1–3].

9. References

- [1] Maryland General Assembly. Chapter 445, Senate Bill 8, Criminal Law—Identity Fraud—Artificial Intelligence and Deepfake Representations. Approved May 12, 2026; effective October 1, 2026. https://mgaleg.maryland.gov/2026RS/Chapters_noln/CH_445_sb0008t.pdf
- [2] Maryland Department of Information Technology. The State of Maryland’s Responsible AI Policy. Version 1.0, May 23, 2025. <https://doit.maryland.gov/policies/ai/Pages/maryland-responsible-ai-policy.aspx>
- [3] Maryland Department of Information Technology. Responsible AI Policy Implementation Guidance. Version 1.0, May 2025. <https://doit.maryland.gov/policies/ai/Pages/maryland-responsible-ai-policy-implementation-guidance.aspx>
- [4] Chandra, B., et al. Reducing Risks Posed by Synthetic Content: An Overview of Technical Approaches to Digital Content Transparency. NIST AI 100-4, November 2024. <https://doi.org/10.6028/NIST.AI.100-4>
- [5] National Institute of Standards and Technology. Digital Identity Guidelines: Identity Proofing and Enrollment, SP 800-63A-4, Identity Proofing Requirements. 2025. <https://pages.nist.gov/800-63-4/sp800-63a/ial-general/>
- [6] Maryland Responsible AI Council. Policy Position on AI-Enabled Identity Fraud and Deepfake Impersonation. Version 1.0, April 6, 2026. <https://docs.google.com/document/d/1lh9T0lOlPhgvN3z64Gwuo9n81-vyU3Xn0t-AfXAXfoY/edit>
- [7] Maryland Responsible AI Council. Comments on SB 008. Committee legislative analysis, 2026. https://docs.google.com/document/d/1Ete6W_515mf6zlcxBt-YejFACJ5XMIf2iVWC1CIXaok/edit

Appendix A. Contributors and Document Control

Authoring committee: Public Sector and Law, Civil Rights and Society Committees

Approval: Underlying policy approved for website publication by Dr. Kofi Nyarko, MRAC Chair, October 18, 2026.

Version history: v1.0, April 6, 2026: original position. v1.1, October 18, 2026: v2 template alignment, citations, implementation detail, and update for enacted Chapter 445. Chair approval of underlying policy is recorded separately from preparation of this revision.

Minority or dissenting views: None recorded in the source documents.

Contact: kofi.nyarko@morgan.edu