



Meeting Minutes

Subcommittee on Individual Digital Rights, Trustworthy AI, and Cyber Crime

January 30, 2026

Virtual Meeting

10:00 am – 11:00 am

Member Attendance (4/6)

Keith Mouldsdale (chair), Alan Butler, Blair Levin (chair), and Markus Rauschecker.

Staff Attendance

Dr. Greg von Lehmen (University of Maryland Global Campus, Assigned Staff to the Maryland Cybersecurity Council)

Meeting Summary

1. Mr. Mouldsdale welcomed the members, asked them to introduce themselves, confirmed a quorum, and reviewed the agenda.
2. With respect to old business, he noted that the recording of the subcommittee's September 22, 2025, meeting had been posted.
3. The subcommittee then turned its attention to new business, viz. discussion of the policy agenda that the subcommittee should pursue during 2026.
 - a. Mr. Butler drew the subcommittee's attention to EPIC's model state law on chatbots (<https://epic.org/people-first-chatbot-bill/>). He noted that there might be a bill in the General Assembly this session based on the model. But if not, he suggested that the subcommittee might consider it for a recommendation.

Mr. Mouldsdale asked what the model state statute included. In outline, Mr. Butler indicated that it has requirements for transparency (notification that the bot is not a human), certain disclosures (e.g., that it is not a licensed healthcare provider), and risk assessments; that it had liability provisions covering cases when a chatbot caused harm, and that it provided for rulemaking authority to implement the model statute.

Mr. Levin asked Mr. Butler how the model statute might fare under the federal [Executive Order](#) on AI. Mr. Butler mentioned an [analysis](#) that he had published on this question. In sum, he pointed out that the EO itself cannot overturn state law and that it is unlikely that attempts at preemption by the FCC or FTC would be sustained in court. The EO also references the Department of Justice, but he noted that the United States (via the Department of Justice) does not have standing or a cause of action to challenge state laws currently on the books. Given those comments, Mr. Levin stated that Maryland and other states should continue stepping up to provide the necessary guardrails to safeguard the public.

- b. Mr. Butler also pointed to California's [DELETE Act](#) as a regulatory initiative that the subcommittee might study as a possibility for Maryland. He noted that this is an initiative that would build on the [Maryland Online Data Privacy Act](#) by providing a [global mechanism](#) for consumers to delete their PII throughout the data broker ecosystem. A potential vehicle for such a mechanism could be some version of the the 2025 [data brokers](#) bill in Maryland that was proposed but did not become law.
- c. As a potential data privacy issue, Mr. Butler noted the [letters](#) that Senator Wyden's Office had sent out about the Nlets system. The letter points out that states may be unaware of how the system is being accessed by DHS for information about their residents. Mr. Butler observed that the [Maryland code](#) requires a warrant for seeking such information on Maryland.
- d. Mr. Webster, a legal contributor to the subcommittee, suggested that the members might consider the merits of regulating deepfakes more broadly, viz. in any case where the deepfake is represented as the real person. His argument is that such is a type of counterfeit and falls under counterfeit law as an exception to the First Amendment.

Along those lines, Mr. Butler noted that the [DEFIANCE Act](#) had been introduced in the US Senate in 2024 to deal with pornographic forgeries and that California had gone even further with a [statute](#) to penalize forgeries of political figures. He noted that the enforcement of that law has been [enjoined](#) by a federal court.

Mr. Webster concurred that these laws are challenged under various First Amendment theories but suggested that state legislatures should not second guess courts but enact laws that they believe serve the public good. If tested, it provides an opportunity to advance First Amendment theories that pace with technological developments.

- 4. The chair announced that the meeting was almost at end. With adjournment pending, the subcommittee asked for more time to mature its discussion of its 2026 agenda and agreed to convene again as soon a follow-up meeting could be coordinated and appropriately announced. Staff took that as an action item.
- 5. With no further business, the meeting was adjourned at 11:00 am.