LFC Requester:	

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to **billanalysis@dfa.nm.gov**
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: *February 17, 2025* *Check all that apply:*
Bill Number: *HB 401* Original *X* Correction __
Amendment __ Substitute __

Sponsor: Linda Serrato
Short Title: Artificial Intelligence Act

Agency Name and Code Number: Administrative Office of the District Attorneys 264
Person Writing Troy Davis
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Bill 401 creates the Artificial Intelligence Accountability Act, which makes a civil cause of action and a criminal cause of acts for when there is improper dissemination of covered synthetic content consists of knowingly disseminating or presenting any likeness of an identifiable person in covered synthetic content with the purpose of harassing, entrapping, defaming, extorting or otherwise causing financial or reputational harm to the depicted person. For criminal purpose it would be a fourth-degree felony and both the attorney general and the district attorney would have concurrent jurisdiction of such cases. The attorney general is tasked with enforce of the provisions in the Artificial Intelligence Accountability Act. Synopsis shorten to reflect parts that would effect AODA.

FISCAL IMPLICATIONS

Attorney General's office and the District Attorney's offices would need special personal to care out the act. The District Attorney's office would need expert witnesses to testify to the technical side of how AI works which mean increase funding for District Attorney's offices the area of contracts.

SIGNIFICANT ISSUES

Highly technical issue for prosecutor to purse. The add of expert witnesses would be need in pursuant of criminal charges. Enforcement could be difficult in identifying specific individual that create the content and who or how the content is distributed.

The prosecution would have to prove beyond a reasonable doubt that the "synthetic content" was modified from its "original form". "Original form" would be very difficult to prove. For example, if one AI system takes content form from another AI system and modifies that "synthetic content" then what is the "original content"? The solution is that it is synthetic content means produced by a generative artificial intelligence system. The prosecution would still have to prove the intent of the "synthetic content" is for the purpose to harass, entrap, defaming, extorting or other wise cause financial harm.

TECHNICAL ISSUES

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 60 creates an Artificial Intelligent Act to regulate AI.