HB 1599-FN - AS INTRODUCED

2024 SESSION

24-2317
09/08

HOUSE BILL ***1599-FN***

AN ACT relative to the use of artificial intelligence for personal defense.

SPONSORS: Rep. Santonastaso, Ches. 18

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill affirms that, under the second amendment to the United States Constitution, a person may use autonomous artificial intelligence for defense purposes, subject to specified limitations.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the use of artificial intelligence for personal defense.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Short Title. This act may be cited to and known as the "Affirmation of Artificial Intelligence for Personal Defense Act".

2 Purpose. The second amendment to the United States Constitution already protects an individual's right to keep and bear arms, inclusive of modern technological advancements. Technology already exists that allows for the development of autonomous artificial intelligence capable of making decisions in real-time for personal defense purposes. This act affirms that the right to use autonomous artificial intelligence for personal defense is consistent with and protected by the second amendment to the United States Constitution, provided that the artificial intelligence system would make the same decision as a reasonable person would make in the given circumstance.

3 New Paragraphs; Criminal Code; Justification; Definitions. Amend RSA 627:9 by inserting after paragraph I the following new paragraphs:

I-a. "Artificial intelligence" means technology that can perform tasks that typically require human intelligence.

I-b. "Autonomous artificial intelligence" means artificial intelligence that can operate and make decisions independently, without ongoing human intervention.

4 New Section; Criminal Code; Justification; Use of Artificial Intelligence. Amend RSA 627 by inserting after section 627:8-b the following new section:

627:8-c Use of Artificial Intelligence.

Consistent with the rights afforded by the second amendment to the United States Constitution, a person is justified in using autonomous artificial intelligence in any circumstance under which they would be justified by this chapter to use the level of force used by the autonomous artificial intelligence. The decision of an autonomous artificial intelligence is subject to the same standards as described in this chapter as if a natural person made the decision. If the decision of the autonomous artificial intelligence is deemed not justified under this chapter, justification shall not be available as a defense in any action or prosecution brought against the owner or employer of the artificial intelligence.

5 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2317
Revised 12/21/23

HB 1599-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the use of artificial intelligence for personal defense.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures	$0	Indeterminable Increase		
Funding Source(s)	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source(s)	None			

• Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
• Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill affirms that, under the second amendment to the United States Constitution, a person may use autonomous artificial intelligence for defense purposes, subject to specified limitations.

The Judicial Council makes the following assumptions about the fiscal impact of this bill:

- The Council provides funding for counsel for indigent defendants and funds certain services used by indigent defendants. The Council assumes the proposed changes will impact the number of defendants charged with offenses related to artificial intelligence.

- The bill will impact the use of experts in cases where expert testimony may be used by a defendant who is charged with an offense related to artificial intelligence. The Council is unaware of any case in New Hampshire where a defendant (indigent or not) has raised self-defense related to the use of force by autonomous artificial intelligence. The Council is also unaware of any expert who has been retained by an indigent defendant related to artificial intelligence.

- The bill addresses a novel legal issue which has not been litigated in New Hampshire. It is unknown at this point whether the proposed legislation would increase the Judicial Council's expenditures, and if so, by how much.

The Department of Justice assumes this bill will result in more instances of force being deployed. The likely fiscal impact on the Department of Justice relates to an increase in the number of use-of-force reviews. These reviews are often resource-intense for Department's investigators and

attorneys. The potential increase is unknown, but the need for additional resources would be in proportion with the degree of utilization of autonomous artificial intelligence devices capable of deploying force. The Department states that even a modest increase in the annual number of reviews would likely necessitate additional staff. Because the increase in use of force investigations is unknown the potential increase in expenditures cannot be determined. The Department indicates an additional Criminal Justice Investigator and Investigative Paralegal may be needed as a result of this bill. The estimated cost of these positions is $214,000 in FY2025, $211,000 in FY2026, and $219,000 in FY2027. The Department does not expect this bill would have an impact on state revenue.

The Judicial Branch states it is not possible to estimate how this change in law would impact the frequency and complexity of filings.

AGENCIES CONTACTED:

Department of Justice, Judicial Branch and Judicial Council