



STATE OF MARYLAND

OFFICE OF THE GOVERNOR

Wes Moore

May 16, 2025

The Honorable Bill Ferguson
President of the Senate of Maryland
H-107 State House
Annapolis, MD 21401

Dear President Ferguson,

In accordance with Article II, Section 17 of the Maryland Constitution, I hereby veto Senate Bill 655 - *Courts - Artificial Intelligence Evidence Clinic Pilot Program*.

Senate Bill 655 establishes an Artificial Intelligence Evidence Clinic Pilot Program in the Administrative Office of the Courts (AOC) to provide expertise on the authenticity of electronic evidence that may have been altered by artificial intelligence (AI) and admitted in court. The AOC is required to engage with college and university students and professionals who study AI and prioritize civil cases with one or more parties without legal representation or has reasonable access to expert testimony. Senate Bill 655 also authorizes the Governor to include an annual appropriation of \$250,000 for fiscal years 2027 and 2028.

While detection of AI alteration in expert evidence in judicial proceedings is and will be a legitimate and growing challenge for courts across the nation, as a separate branch of government, the Judiciary has the inherent ability to develop such programs on its own, and the authority to propose establishment of a budget for them. Therefore, the bill is unnecessary for the Judiciary to establish the Pilot Program, and legislation such as this placing detailed requirements on the Judiciary may be interpreted as an overreach into the independence of the judicial branch of government.

The Attorney General review letter for this legislation, dated April 29, 2025, advises that the provision authorizing the Governor to fund the Pilot Program has no legal effect. The letter is attached for your review, please see footnote four on page four. The State Constitution vests the

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Chief Justice with the authority to determine the budget and level of funding for programs in the Judicial Branch. The letter cites Article III, § 52 of the State Constitution that conveys the Governor does not have authority to amend, add, or to subtract from the Judiciary's budget. Thus, the bill's provisions granting the Governor authority to fund the Pilot Program conflict with the State Constitution.

In sum, while the bill is well-intended, its purpose can be accomplished without legislation and the bill as passed raises constitutional concerns. For these reasons, I have vetoed Senate Bill 655.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wes Moore', with a stylized, cursive script.

Wes Moore
Governor

Attachment: April 29, 2025 Attorney General review letter for SB 655

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWE III
Deputy Attorney General

CARRIE J. WILLIAMS
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CHRISTIAN E. BARRERA
Chief Operating Officer

April 29, 2025

The Honorable Wes Moore
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401
Delivered via email

Dear Governor Moore:

We have reviewed the following bills and hereby approve them for constitutionality and legal sufficiency:

HOUSE

HB 328¹

HB 384²

HB 1035³

SENATE

SB 157²

SB 655⁴

SB 789⁵

SB 937³

Sincerely,



Anthony G. Brown

AGB/SBB/kd

cc: The Honorable Susan C. Lee
Jeremy Baker
Victoria L. Gruber

¹ HB 328 authorizes the issuance of additional Instant Ticket Lottery Machine licenses but does not expand commercial gaming. As a result, the referendum requirement in Article XIX, § 1(e) of the Maryland Constitution is not triggered.

² HB 384 is the cross-filed bill to SB 157, but they are not identical. HB 384 has a Section 3 governing the effective date that is not in SB 157. Both bills may be signed; HB 384 should be signed last.

³ HB 1035 and SB 937 are cross-filed bills, but there is a minor difference between them. The Senate Bill, in new § 7-1209(a)(1) of the Public Utilities Article, expressly states that the Public Service Commission's authority to approve the use of an expedited process for the review of applications for a certificate of public convenience and necessity is "subject to paragraph (3) of this subsection" (page 42, line 26). That language does not appear in the House Bill. As the language (or absence of it) does not affect the meaning of the bills, the signing order does not matter. We also write to note that the financing mechanisms for nuclear energy (Public Utilities Art., Title 7, Subtitle 12, Part III) and transmission energy storage devices (Title 7, Subtitle 12, Part IV) must be implemented in a way that does not impermissibly interfere with the Federal Energy Regulatory Commission's ("FERC") exclusive authority to set wholesale rates. *See Hughes v. Talen Energy Mktg., LLC*, 578 U.S. 150 (2016) (finding federal preemption of a Maryland program that effectively set the wholesale rates for sales into FERC-regulated wholesale markets).

⁴ SB 655 establishes an Artificial Intelligence Evidence Clinic Pilot Program in the Administrative Office of the Courts. The bill authorizes the Governor, for fiscal years 2027 and 2028, to include in the annual budget an appropriation of \$250,000 for the Pilot Program. Under the State Constitution, it is the Chief Justice of the Supreme Court of Maryland, not the Governor, who is vested with the authority to determine the level of funding to be included in the budget submission for programs in the Judicial Branch. *See Md. Const., Art. III, § 52(4)(c)* (Each budget bill shall embrace an estimate of appropriations "for the Judiciary Department, as provided by law, as certified to the Governor.") and (11) (the estimates "of the Judiciary, as provided by law, certified by the Chief Justice of the Supreme Court of Maryland. ... shall be included in the Budget without revision."). This Office has previously advised that, under Article III, § 52 of the State Constitution, the Governor "has no authority to amend, to add to or subtract from the Judiciary's budget, as certified by the Chief [Justice] and transmitted to the Governor." Letter to Mr. Warren Deschenaux from Ass't Atty. Gen. Bonnie A. Kirkland, January 29, 2013. Accordingly, the bill's provision authorizing the *Governor* to include funding in the budget for the Pilot Program, independent of the budget estimates certified by the Chief Justice, cannot be given effect.

⁵ SB 789 is the identical cross-filed bill to HB 774, which was approved on a bill review letter to you dated April 16, 2025.