STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3828   By: Alonso-Sandoval

AS INTRODUCED

An Act relating to state government; providing
definitions; directing the Office of Management and
Enterprise Services to conduct certain inventory;
providing required information; directing inventory
to be made publicly available; directing certain
ongoing assessments be made of artificial
intelligence systems; directing for development of
certain policies and procedures; requiring certain
policies be included; permitting revision of policies
and procedures; requiring policies and procedures be
posted; prohibiting the implementation of artificial
intelligence without following certain procedures or
determinations; requiring the Administrative Office
of the Courts to conduct certain inventory; providing
for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1.   NEW LAW   A new section of law to be codified

in the Oklahoma Statutes as Section 10101 of Title 74, unless there

is created a duplication in numbering, reads as follows:

As used in this act:

1. "Artificial intelligence" means:

    a.   an artificial system that:

         (1) performs tasks under varying and unpredictable

              circumstances without significant human oversight

or can learn from experience and improve such

performance when exposed to data sets,

(2)   is developed in any context, including, but not

limited to, software or physical hardware, and

solves tasks requiring human-like perception,

cognition, planning, learning, communication or

physical action, or

(3)   is designed to:

(a)   think or act like a human, including, but

not limited to, a cognitive architecture or

neural network, or

(b)   act rationally, including, but not limited

to, an intelligent software agent or

embodied robot that achieves goals using

perception, planning, reasoning, learning,

communication, decision-making or action, or

b.   a set of techniques, including, but not limited to,

machine learning, that is designed to approximate a

cognitive task; and

2.   "State agency" means each department, board, council,

commission, institution, or other agency of the executive branch of

the state government, provided each board, council, commission,

institution, or other agency included by law within any given

department shall be deemed a division of that department. The term "state agency" shall include:

a. the offices of the Governor, Lieutenant Governor, Treasurer, Attorney General, Secretary of State and Comptroller, and

b. all operations of an executive branch agency which are funded by either the General Revenue Fund or a special fund.

SECTION 2.   NEW LAW   A new section of law to be codified in the Oklahoma Statutes as Section 10102 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Not later than December 31, 2024, and annually thereafter, the Office of Management and Enterprise Services (OMES) shall conduct an inventory of all systems that employ artificial intelligence and are in use by any state agency that uses OMES's services. Any agency that does not use OMES's services shall conduct their own inventory. Each such inventory shall include at a minimum the following information for each such system:

1. The name of such system and the vendor, if any, that provided such system;

2. A description of the general capabilities and uses of such system;

3. Whether such system was used to independently make, inform, or materially support a conclusion, decision, or judgment; and

4. Whether such system underwent an impact assessment prior to implementation.

B. The Office of Management and Enterprise Services or agencies that do not use OMES's services shall make each inventory conducted pursuant to subsection A of this section publicly available on their website.

SECTION 3.   NEW LAW   A new section of law to be codified in the Oklahoma Statutes as Section 10103 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Beginning on February 1, 2025, the Office of Management and Enterprise Services (OMES) or any agency that does not use OMES's services shall perform ongoing assessments of systems that employ artificial intelligence and are in use by state agencies to ensure that no such system shall result in any unlawful discrimination or disparate impact described in subsection B of this section.

B. Not later than February 1, 2025, the Office of Management and Enterprise Services shall develop and establish policies and procedures concerning the development, procurement, implementation, utilization, and ongoing assessment of systems that employ artificial intelligence and are in use by state agencies. Such policies and procedures shall, at a minimum, include policies and procedures that:

1. Govern the procurement, implementation, and ongoing assessment of such systems by state agencies;

2. Are sufficient to ensure that no such system:

      a.   results in any unlawful discrimination against any individual or group of individuals, or

      b.   has any unlawful disparate impact on any individual or group of individuals on the basis of any actual or perceived differentiating characteristics, including, but not limited to, age, genetic information, color, ethnicity, race, creed, religion, national origin, ancestry, sex, gender identity or expression, sexual orientation, marital status, familial status, pregnancy, veteran status, disability, or lawful source of income;

3. Require a state agency to assess the likely impact of any such system before implementing such system; and

4. Provide for the Office of Management and Enterprise Services or any agency that does not use OMES's services to perform ongoing assessments of such systems to ensure that no such system results in any unlawful discrimination or disparate impact described in paragraph 2 of this subsection.

C. The Office of Management and Enterprise Services may revise policies and procedures established in this act if such revision is deemed necessary by the Executive Director.

D. The Office of Management and Enterprise Services shall post policies and procedures established pursuant to this act and any

revision made to such policies and procedures pursuant to subsection C on the agency's website.

E.   Beginning on February 1, 2025, no state agency shall implement any system that employs artificial intelligence:

1.   Unless the state agency has performed an impact assessment, in accordance with the policies and procedures established pursuant to this act, to ensure that such system will not result in any unlawful discrimination or disparate impact described herein; or

2.   If the head of such state agency determines, at their discretion, that such system will result in any unlawful discrimination or disparate impact described in this act.

SECTION 4.   NEW LAW   A new section of law to be codified in the Oklahoma Statutes as Section 10104 of Title 74, unless there is created a duplication in numbering, reads as follows:

A.   1.   Not later than December 31, 2024, and annually thereafter, the Administrative Office of the Courts shall conduct an inventory of the departments' systems that employ artificial intelligence. Each such inventory shall include at a minimum the following information for each such system:

     a.   the name of such system and the vendor, if any, that provided such system,

     b.   a description of the general capabilities and uses of such system,

c. whether such system was used to independently make,

inform, or materially support a conclusion, decision,

or judgment, and

d. whether such system underwent an impact assessment

prior to implementation.

2. The Administrative Office of the Courts shall make each

inventory conducted pursuant to this act publicly available on the

Oklahoma Supreme Court's website.

B. 1. Not later than February 1, 2024, The Administrative

Office of the Courts shall develop and establish policies and

procedures concerning the departments' development, procurement,

implementation, utilization, and ongoing assessment of systems that

employ artificial intelligence. Such policies and procedures shall,

at a minimum, include policies and procedures that:

a. govern the departments' procurement, implementation,

and ongoing assessment of such systems,

b. are sufficient to ensure that no such system:

(1) results in any unlawful discrimination against

any individual or group of individuals, or

(2) has any unlawful disparate impact on any

individual or group of individuals on the basis

of any actual or perceived differentiating

characteristics, including, but not limited to,

age, genetic information, color, ethnicity, race,

creed, religion, national origin, ancestry, sex,

gender identity or expression, sexual

orientation, marital status, familial status,

pregnancy, veteran status, disability, or lawful

source of income,

c. require the department to assess the likely impact of

any such system before implementing such system, and

d. provide for ongoing assessments of such systems to

ensure that no such system results in any unlawful

discrimination or disparate impact described in this

act.

2. The Administrative Office of the Courts may revise the

policies and procedures established pursuant to this act if the

Administrative Director of the Courts determines, in said Director's

discretion, that such revision is necessary.

3. The Administrative Office of the Courts shall post the

policies and procedures established pursuant to this act and any

revisions made to such policies and procedures pursuant to paragraph

2 of this subsection on the Oklahoma Supreme Court's website.

C. Beginning on February 1, 2025, the Administrative Office of

the Courts shall:

1. Not implement any system that employs artificial

intelligence:

a.   unless the department has performed an impact

assessment, in accordance with the policies and

procedures established pursuant to this act, to ensure

that such system will not result in any unlawful

discrimination or disparate impact, or

b.   if the Administrative Director of the Courts

determines, in said Director's discretion, that such

system will result in any unlawful discrimination or

disparate impact; and

2.   Perform ongoing assessments of the departments' systems that

employ artificial intelligence to ensure that no such system shall

result in any unlawful discrimination or disparate impact.

SECTION 5.   This act shall become effective November 1, 2024.

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