

AMENDED IN SENATE APRIL 10, 2023

**SENATE BILL**

**No. 313**

**Introduced by Senator Dodd**  
**(Coauthor: Senator Hurtado)**

February 6, 2023

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An act to add Chapter 5.9 (commencing with Section 11549.80) to Part 1 of Division 3 of Title 2 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 313, as amended, Dodd. Department of Technology: Office of Artificial Intelligence: *Intelligence: state agency public interface: use of AI.*

Existing law establishes within the Government Operations Agency the Department of Technology, under the supervision of the Director of Technology, also known as the State Chief Information Officer. Existing law requires the director to, among other things, provide technology direction to agency and department chief information officers to ensure the integration of statewide technology initiatives, compliance with information technology policies and standards, and the promotion of the alignment and effective management of information technology services.

This bill would *enact the California AI-ware Act, which would* establish, within the Department of Technology, the Office of Artificial Intelligence, and would grant the office the ~~powers and authorities~~ *power and authority* necessary to guide the design, use, and deployment of automated systems by a state agency to ensure that all AI systems are designed and deployed in a manner that is consistent with state and federal laws and regulations regarding privacy and civil liberties and

that minimizes bias and promotes equitable outcomes for all Californians. ~~The bill would make related legislative findings and declarations.~~

*Existing law imposes various requirements on state agencies concerning technological matters, including requiring every state agency that utilizes any method, device, identifier, or other database application on the internet to electronically collect personal information regarding any user to prominently display a prescribed notice at an initial point of communication with a potential user.*

*This bill would require any state agency that utilizes generative artificial intelligence to directly communicate with a natural person to provide notice to that person that the interaction with the state agency is being communicated through artificial intelligence, as specified. This bill would require the state agency to provide instructions, as specified, to inform the natural person how they can directly communicate with a natural person from the state agency.*

*The bill would make related legislative findings and declarations.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 5.9 (commencing with Section 11549.80)  
2 is added to Part 1 of Division 3 of Title 2 of the Government Code,  
3 to read:

4  
5 CHAPTER 5.9. ~~OFFICE OF~~ ARTIFICIAL INTELLIGENCE

6  
7 11549.80. *This chapter shall be known, and may be cited, as*  
8 *the California AI-ware Act.*

9 ~~11549.80.~~

10 11549.81. In enacting this chapter, the Legislature finds and  
11 declares:

12 (a) The Legislature recognizes the tremendous potential of  
13 artificial intelligence (AI) to improve the lives of its citizens and  
14 the functioning of government. However, the Legislature also  
15 recognizes that the use of AI must be guided by principles of  
16 fairness, transparency, and accountability to ensure that the rights  
17 and opportunities of all Californians are protected in the age of  
18 artificial intelligence.

1 (b) The Legislature declares that no individual or group should  
2 be discriminated against on the basis of race, gender, age, religion,  
3 sexual orientation, or any other protected characteristic in the  
4 design, development, deployment, or use of AI systems.

5 (c) The Legislature affirms the importance of transparency in  
6 the use of AI systems. *The public has the right to know when they*  
7 *are interacting with AI being used by the state, and to have a clear*  
8 *and conspicuous identification of that interaction.*

9 (d) The Legislature recognizes that the use of AI systems must  
10 be consistent with the protection of privacy and civil liberties and  
11 must be guided by a commitment to equity and social justice. It is  
12 the intent of the Legislature in enacting this legislation that all AI  
13 systems be designed and deployed in a manner that is both of the  
14 following:

15 (1) Consistent with state and federal laws and regulations  
16 regarding privacy and civil liberties.

17 (2) Minimizes bias and promotes equitable outcomes for all  
18 Californians.

19 ~~11549.81.~~

20 ~~11549.82.~~ There is in state government, within the Department  
21 of Technology, the Office of Artificial Intelligence.

22 ~~11549.82.~~

23 ~~11549.83.~~ The office shall have the ~~powers and authorities~~  
24 *power and authority* necessary to guide the design, use, or  
25 deployment of automated systems by a state agency to ensure that  
26 all AI systems are designed and deployed in a manner that is  
27 consistent with state and federal laws and regulations regarding  
28 privacy and civil liberties and that minimizes bias and promotes  
29 equitable outcomes for all Californians.

30 ~~11549.84.~~ (a) *A state agency that utilizes generative artificial*  
31 *intelligence to directly communicate with a person, either through*  
32 *an online interface or telephonically, shall clearly and in a*  
33 *conspicuous manner identify to that person that their interaction*  
34 *with the state agency is being communicated through artificial*  
35 *intelligence.*

36 (b) *A state agency that utilizes generative artificial intelligence*  
37 *to directly communicate with a person shall provide on the*  
38 *agency's internet website clear instructions, or a link to a page*  
39 *with clear instructions, informing the person when and how the*

- 1 *person can directly communicate with a person from the state*
- 2 *agency.*
- 3 *(c) For purposes of this section, “person” means a natural*
- 4 *person.*