

**TESTIMONY ON HOUSE BILL 3592
BEFORE THE JOINT COMMITTEE ON
INFORMATION MANAGEMENT AND TECHNOLOGY
APRIL 11, 2025**

**PRESENTED BY: KIMBERLY MCCULLOUGH,
SENIOR COUNSEL FOR GOVERNMENT RELATIONS
OREGON JUDICIAL DEPARTMENT**

Co-Chairs Woods and Nathanson, and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill (HB) 3592, which would establish the Oregon Commission on Artificial Intelligence. We recommend that the bill be amended to clarify the scope of the commission's work. In addition, if the scope includes public sector use of Artificial Intelligence (AI) and is broad enough to encompass the work of the judicial branch, we request the addition of the Chief Justice or her designee as a nonvoting member of the commission.

The Oregon Judicial Department (OJD) already is exploring how it might use or be affected by use of AI in court proceedings and in its administrative functions. Because court cases do involve individuals' safety and the individual rights listed in the bill (including employment rights, civil rights, and constitutional rights) we have a high level of interest in the work of this commission and any resulting legislation.

Clarifying the Scope of the Commission

As an initial matter, we have a question about the scope of the commission's charge. It is not entirely clear from reading the bill whether the sponsors intend for the commission to focus on private-sector use of AI or also on public-sector use. If public-sector use is part of the scope, it also is unclear whether it is limited to executive branch agencies or covers all public-sector use, including the use of AI by the judicial branch.

Most of the bill is silent on this question. For example, the overall direction given to the commission in section 1(1) does not say whether the commission's purpose is to serve as a central resource and report on policy implications related to AI use in the private sector, public sector, or both. Further, the specific items that the commission is directed to study, listed in section 1(2)(a) through (f) and (h) through (k), do not specify whether they are related to the private sector, the public sector, or both.

On the other hand, section 1(2)(g) specifies that, at least regarding privacy, both private and public sector use is to be studied. In addition, section 1(6)(a)(C) specifies that a subcommittee of the commission may focus on law enforcement use of AI, which is a public-sector use.

Regardless of which direction the committee decides to take with this bill, we recommend that section 1(1) specify whether the commission's purpose relates to the private sector, public sector, or both. We also recommend that if public-sector use is not a focus of the commission, section 1(2)(g) and section 1(6)(a)(C) be amended to take out references to public sector uses of AI.

Commission Membership

If the committee decides to include public-sector use of AI within the scope of the commission's charge, and if public sector is construed broadly enough to encompass the judicial branch, then we respectfully request the addition of the Chief Justice or her designee as a nonvoting member of the commission.

AI is a rapidly expanding technology that is already being utilized in many fields, including the practice of law. In the very near future, AI – particularly generative AI – is expected to change the landscape for self-represented litigants, courts, and attorneys alike. AI has the potential to improve court efficiency and the experiences of litigants. However, some uses of AI also raise ethical and practical concerns, including issues of confidentiality, data security, the reliability of AI-generated material, and the disparity of access to legal information.

Because of the current and potential impacts of AI, the Chief Justice and OJD have taken a keen interest in the topic and would like to be involved in conversations about AI that may impact OJD and the court system more broadly. OJD has also developed expertise in this area, hosted various work groups and advisory committees focused on AI, and participated in the State Government Artificial Intelligence Advisory Council. It is for these reasons that we believe our membership on the commission would be both valuable for OJD and for the commission's work, if the scope encompasses public sector use of AI and is broad enough to encompass the judicial branch.

Thank you for your time and the opportunity to provide this testimony. If you have any questions, please feel free to contact me.