

Legislative Commission on Data Practices and Personal Privacy
January 22, 2026

Minnesotans for Open Government*
Written Testimony of Matt Ehling, Board Member

Co-chairs Feist and Scott, and members of the Commission,

Minnesotans for Open Government (MNOG) submits the following written comments as background for the agenda item identified below:

Artificial Intelligence and Court Records
(Agenda Item #5)

At the December 11, 2025 hearing of the Commission, MNOG submitted written comments regarding artificial intelligence (AI) use by government entities (*see* MNOG Agenda Item #4 testimony, dated Dec. 11, 2025).

In that testimony, MNOG suggested enacting labeling requirements for AI use in regard to certain governmental functions. In particular, due to the possibility for “generative AI”** to create erroneous information,** MNOG suggested instituting labeling requirements — at a bare minimum — in areas of governmental operation that impact individual rights.

The legal process, of course, is a key mechanism through which the government can impact individual rights — for instance, through the pursuit of criminal and civil investigations, as well as related charges or penalties. To the extent that the government uses AI in the drafting or creation of its legal materials — motions, memos, and so forth — any such use should be disclosed to opposing parties. At the same time, any AI disclosure rules written for the government’s legal work should also be applied more broadly, for the purposes of fairness. This would result, then, in a general AI-labeling rule for all Minnesota attorneys.

Accordingly, MNOG has written model legislation regarding AI-labeling in legal documents submitted to courts by Minnesota attorneys. This model language was first drafted in 2024, and was presented by MNOG in draft form to Rep. Scott and Senator Latz. It is included in the materials for today’s hearing for broader discussion by the members of the Commission.

**Minnesotans for Open Government is a non-partisan, nonprofit organization with an all-volunteer board of directors that focuses on government transparency issues.*

***“Generative AI” is AI that can create synthesized content from large bodies of similar data.*

****See MNOG’s written materials for Agenda Item #4 from the December 11, 2025 Commission hearing.*

MODEL BILL
Drafted by Minnesotans for Open Government

A bill for an act
requiring the disclosure of the use of generative AI to create
documents submitted to courts by attorneys.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Minnesota Statutes 2025, Chapter 481, is amended by adding a section:

481.23 LABELING OF GENERATIVE AI CONTENT.

Subdivision 1. **Definitions.** As used in this section:

(1) “Artificial intelligence” or “AI” means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. Artificial intelligence systems use machine and human-based inputs to perceive real and virtual environments; abstract such perceptions into models through analysis in an automated manner; and use model inference to formulate options for information or action.

(2) “Generative AI” means the class of AI models that emulate the structure and characteristics of input data in order to generate derived synthetic content. This can include images, videos, audio, text, and other digital content.

Subd. 2. Labeling of generative AI content required.

(a) Any brief, pleading, or other document submitted by an attorney to a court, the content of which was created or drafted with any use of a generative AI system, shall be identified as such in a table preceding the body of such brief or pleading, or by a separate notice filed contemporaneously with the brief, pleading, or document.

(b) The attorney who submitted the brief, pleading, or document shall maintain records sufficient to identify those portions of the text of a pleading, brief, or document submitted to a Court which was created or drafted by a generative AI system.