ASSEMBLY, No. 5711

STATE OF NEW JERSEY

222nd LEGISLATURE

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Sponsored by:
Assemblyman ANDREW MACURDY
District 21 (Middlesex, Morris, Somerset and Union)

SYNOPSIS

Prohibits defendant from asserting autonomous behavior of artificial intelligence as defense in certain civil actions and criminal prosecutions.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning artificial intelligence and civil and criminal liability, and supplementing Title 56 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. As used in P.L. , c. (C.) (pending before the Legislature as this bill):

"Artificial intelligence" has the meaning ascribed to it in section 2 of P.L.2024, c.49 (C.34:1B-395).

b. Civil actions.

(1) In an action against a defendant who developed, modified, or used artificial intelligence that is alleged to have caused a harm to the plaintiff, it shall not be a defense, and the defendant may not assert, that the artificial intelligence autonomously caused the harm to the plaintiff.

(2) This subsection does not limit or preclude a defendant from presenting any other affirmative defense, including evidence relevant to causation or foreseeability, or other evidence relevant to the comparative fault of any other person or entity.

c. Criminal prosecutions.

(1) In a prosecution pursuant to Title 2C of the New Jersey Statutes for an offense or a crime, it shall not be a defense, and the defendant may not assert, that the artificial intelligence autonomously caused the harm to the alleged victim.

(2) This subsection does not limit or preclude a defendant from presenting any other defense in a prosecution pursuant to Title 2C of the New Jersey Statutes for an offense or a crime.

2. This act shall take effect immediately and shall be applicable to all crimes and offenses not yet barred from prosecution, and to all civil causes of action not yet barred from filing, under the statute of limitations as of the effective date.

STATEMENT

This bill prohibits a defendant from asserting the autonomous behavior of artificial intelligence as a defense in certain civil actions and criminal prosecutions.

Under the bill, "artificial intelligence" is defined as the development of software and hardware and the end-use application of technologies that are able to perform tasks normally requiring human intelligence, including, but not limited to, visual perception, speech recognition, decision-making, translation between languages, and generative artificial intelligence, which generates new content in response to user inputs of data.

In a civil action against a defendant who developed, modified, or used artificial intelligence that is alleged to have caused a harm to the plaintiff, the bill would prohibit a defendant from asserting that the artificial intelligence autonomously caused the harm to the plaintiff. The bill does not limit or preclude a defendant from presenting any other affirmative defense in a civil action, including evidence relevant to causation or foreseeability, or other evidence relevant to the comparative fault of any other person or entity. The bill also does not alter any existing statutory or common law civil liability frameworks.

In a prosecution pursuant to the "New Jersey Code of Criminal Justice" for an offense or a crime, the bill would prohibit a defendant from asserting that the artificial intelligence autonomously caused the harm to the alleged victim. The bill would not limit or preclude a defendant from presenting any other defense.

The bill is based on AB316 in California, which was signed into law in October 2025.