

April 1, 2026

The Honorable Carol McEntee, Chair
House Judiciary Committee
Rhode Island General Assembly

Re: HB 8052 – Artificial Intelligence Liability for Injuries

Dear Chair McEntee and members of the Committee:

TechNet is the national, bipartisan network of technology companies that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 100 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

TechNet shares the Committee's commitment to ensuring that emerging technologies, including artificial intelligence, are developed and deployed responsibly. As states engage in the dynamic and ever-changing landscape of AI-related policy, TechNet members ask that policymakers consider first evaluate existing laws and whether they can be leveraged or amended to address AI-related risk without the need to create new policy out of whole cloth. If policymakers determine that new laws are needed, TechNet seeks to work with the legislature to ensure that they are **risk-based** and **interoperable** with existing state and federal laws and regulations.

H 8052's strict liability framework is unprecedented and inappropriate for AI development.

HB 8052 would impose strict liability on AI developers "regardless of the degree of care they exercised" for injuries caused by AI systems. This approach departs significantly from established product liability and negligence frameworks and would make Rhode Island a national outlier. Strict liability is typically reserved for inherently dangerous activities—not for the development of general-purpose technologies used across nearly every sector of the economy.

Imposing liability without regard to the care a developer exercised removes the incentive for investment in safety measures, responsible development practices, and voluntary risk-mitigation efforts. A negligence-based framework—one that evaluates whether developers acted reasonably under the circumstances—would more appropriately balance accountability with continued innovation.

The bill's definition of "developer" is overbroad and would chill open-source AI development.

HB 8052 defines "developer" as any person that performs "initial training" of an AI system, including by fine-tuning an existing model. This sweeping definition would expose model creators to liability for a vast range of downstream uses over which they have no control—so long as the downstream user or intermediary was not itself negligent or engaged in intentional misconduct.

This creates particular risk for open-source AI development. Under HB 8052, a developer that openly releases a model for public research, adaptation, and deployment could face strict liability for injuries caused by a third party's deployment or modification of that model—even though the developer had no involvement in, knowledge of, or control over the downstream use. This would significantly chill the release and sharing of open-source AI models, undermining the collaborative innovation ecosystem that has driven much of the progress in AI safety and capability.

The rebuttable presumption of "mental state" improperly anthropomorphizes AI systems.

HB 8052 creates a rebuttable presumption that an AI system satisfies the mental state element of an intentional tort if a natural person taking similar actions under similar circumstances would have acted with that mental state. The bill further provides that "it shall not be a defense that artificial intelligence systems are incapable of having mental states."

This provision fundamentally mischaracterizes how AI systems operate. AI systems do not possess intent, knowledge, or purpose—they generate outputs based on statistical patterns in training data. Grafting human mental-state standards onto algorithmic systems creates an unworkable legal fiction that would make it far easier for plaintiffs to establish liability for intentional torts, without any meaningful connection to how the technology actually functions. TechNet strongly urges the Committee to remove this presumption entirely.

The bill's defenses are inadequate and unworkable.

HB 8052 provides only two narrow defenses: (1) that the AI system met the "standard of care applicable to humans who perform the same function," and (2) that the injury resulted from a "capabilities failure" rather than tortious conduct.

The first defense is inherently vague and unworkable for general-purpose foundation models, which are designed to perform a wide range of functions. There is no clear or established "human standard of care" against which to measure an AI system's outputs across the full spectrum of potential uses. The second defense—distinguishing between a "capabilities failure" and conduct that would constitute a tort if performed by a human—presents equally difficult line-drawing problems that would generate significant litigation uncertainty.

These narrow defenses, combined with the bill's strict liability standard and rebuttable presumption of intent, create an environment of open-ended legal exposure that is difficult to predict, mitigate, or insure against. TechNet recommends that the Committee adopt defenses grounded in established legal standards, including reasonable care, state-of-the-art compliance, and adherence to recognized safety frameworks.

The bill's causation standard presents inherent difficulties in the AI context.

HB 8052 requires that injuries be "factually and proximately caused" by an AI system's conduct. While proximate cause is a well-established legal concept, its application to AI systems raises novel and unresolved challenges. AI outputs are the product of complex interactions between training data, model architecture, fine-tuning, deployment context, user inputs, and post-processing—making it exceptionally difficult to trace a causal chain from a specific development decision to a specific injury. Without clearer guidance on how causation should be evaluated in this context, the bill invites speculative litigation and inconsistent judicial outcomes.

Thank you for your consideration. TechNet respectfully urges the Committee to hold HB 8052. Please do not hesitate to contact me if I can provide any further information or assistance.

Sincerely,



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