

Reati, responsabilita e risarcimenti connessi all'utilizzo dell'intelligenza artificiale (D.Lgs. 160/2026)

PRIMARY

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Assessment. Italian official register entry. The decree's substantive provisions were read from Italian legal-press summaries (Lavoro si, diritto.it, aodv231); the date, number and Gazzetta Ufficiale reference are from the register's own ELI identifier and record. Prison-term ranges differ between an English-language secondary report and the Italian legal press, so no term is published in the edition.

Claims drawn from this source. CLAIM-2026-10-12-07, CLAIM-2026-10-12-08, CLAIM-2026-10-12-09

Identification

DECRETO LEGISLATIVO 9 settembre 2026, n. 160 - "Reati, responsabilita e risarcimenti connessi all'utilizzo dell'intelligenza artificiale". Published in Gazzetta Ufficiale n. 214 of 15 September 2026. **In force 30 September 2026.**

This is the instrument that carries Italy's criminal and civil liability provisions for AI, alongside rules on police use of AI systems. It is a different instrument from D.Lgs. 179/2026, which is the authorities-and-training decree.

Criminal provisions

A new **Art. 437-bis of the criminal code** punishes the omission of technical safety measures for high-risk AI systems - in design, training, production, placing on the market, or professional use - **or the omission of human oversight measures**. The offence is a delitto. Aggravated treatment applies where national security is engaged, and a separate paragraph covers a person outside the system's development who alters its functioning. Omission with gross negligence (colpa grave) attracts a reduced penalty.

Reported prison-term ranges diverge between sources and are therefore recorded here as disputed rather than stated: an English-language secondary report gives 1-5 years for danger to life or safety and 2-8 years where State security is engaged; the Italian legal press gives 2-8 years for concrete demonstrable danger, 2-6 years for alteration by an outsider, and 3-10 years in national-security cases.

Corporate liability

Art. 25-vicies is added to D.Lgs. 231/2001 as a predicate offence covering crimes committed using AI systems. For Art. 437-bis the entity faces a fine in quotas where it gained an undue advantage, and on conviction the disqualification sanctions of Art. 9(2)(b), (c), (d) and (e) of D.Lgs. 231/2001: exclusion from benefits and funding, a ban on contracting with the public administration, suspension or revocation of authorisations, and a **ban on advertising**. Disqualification from exercising the activity itself does not apply.

Civil liability

Three provisions matter to anyone who keeps machine-generated records:

1. **Production of records.** On the injured party's request the court can order the provider or user to produce evidence, registers (registri) and technical documentation about the algorithm. Refusal without justified reason allows the court to draw adverse inferences or treat the alleged facts as proven.
2. **Presumed causation.** A rebuttable presumption of the causal link operates in the victim's favour: where the victim shows non-conformity or negligent use plus a reasonable connection to the damage, the other party must prove the contrary.
3. **Conformity is not a shield.** A conformity certificate under the AI Act is not by itself sufficient to exclude the civil liability of the producer or user.

The injured party may also sue the liable party's insurer directly, and may bring the action where they reside or are domiciled.