SENATE COMMITTEE ON APPROPRIATIONS
Senator Anna Caballero, Chair
2023 - 2024 Regular Session

SB 1000 (Ashby) - Connected devices: access: abusers

Version: April 25, 2024
Urgency: No
Hearing Date: May 13, 2024
Policy Vote: JUD. 11 - 0
Mandate: Yes
Consultant: Liah Burnley

Bill Summary: SB 1000 authorizes victims of specified acts to submit a device protection request, to deny abusers access to internet-connected devices.

Fiscal Impact:

- Unknown, potentially significant workload cost pressures (General Fund, Trial Court Trust Fund) to the courts to adjudicate civil cases filed by victims and civil enforcement actions brought by the Department of Justice (DOJ) and local prosecutors to enforce this bill. Actual costs will depend on the number of cases filed and the amount of time needed to adjudicate each case. It generally costs approximately $1,000 to operate a courtroom for one hour. Consequently, if additional cases are filed under the provisions of this measure that otherwise would not be available under existing law take 50 or more hours of court involvement, the cost pressures of this measure to the courts would surpass the Suspense File threshold. While the superior courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to increase the amount appropriated to backfill for trial court operations. For illustrative purposes, the Governor's 2024-25 state budget proposes $83.1 million ongoing General Fund to continue to backfill the Trial Court Trust Fund for expected revenue declines.

- Unknown, potentially significant workload cost pressures (General Fund, local funds) to the DOJ and local prosecutors to enforce the violations of this bill. However, costs may be offset to the extent any penalty revenue is successfully collected and allocated back to the General Fund and treasurer of the county in which the judgment was entered, as specified in this bill.

Background: Although many internet-enabled technologies provide consumers with convenience – like the ability to lock and unlock a car remotely or check the vehicle's location in real time via an app – these features can also be weaponized against a survivor in an abusive relationship. The purpose of this bill is to provide victims of domestic violence with legal protections from an abuser who utilizes connected devices to harass, intimidate, monitor or control their victims, and endanger their physical safety.

Proposed Law:

- Defines the relevant terms, including:
    - "Abuser" means an individual who has committed or allegedly committed a covered act against a victim or an individual in the victim's care.

- "Account manager" means a person or entity that provides an individual an internet-based or app-based user account, or a third party that manages those user accounts on behalf of that person or entity that has authority to make decisions regarding user access to those user accounts.
- "Connected device" means any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol (IP) or Bluetooth address.

- "Covered act" means conduct that constitutes specified offenses, including rape, trafficking, sex offenses, but does not require a conviction or any other court determination.

- "Device access" means the ability to remotely control a connected device, remotely change the characteristics of a connected device, or remotely view or manipulate data collected by or through a connected device, by accessing a user account or accounts associated with the connected device. Acts that require device access include, but are not limited to, remotely manipulating an audio system, security system, light fixture, or other home appliance or fixture and accessing camera or location data from a motor vehicle.

- "Victim" means an individual against whom a covered act has been committed or allegedly committed or who cares for another individual against whom a covered act has been committed or allegedly committed, provided that the individual providing care did not commit or allegedly commit the covered act.

- Authorizes a victim seeking to deny an abuser "device access" to submit to the account manager a device protection request that includes both of the following:

    - A verification that the abuser has committed or allegedly committed a covered act against the victim or an individual in the victim's care, by providing either of a signed affidavit from a licensed medical or mental health care provider, licensed military medical or mental health care provider, licensed social worker, victim services provider, or licensed military victim services provider, or an employee of a court, acting within the scope of that person's employment, or a police report, statements provided by police, including military police, to magistrates or judges, charging documents, protective or restraining orders, military protective orders, or any other official record that documents the covered act; and,

    - Identification of the connected device or devices that the victim seeks to deny the abuser access to, and a statement that the connected device or devices are solely owned by the victim or an individual in the victim's care, legally under the sole possession or control of the victim or an individual in the victim's care, or a fixture or feature within a dwelling or motor vehicle that the abuser may not legally enter or use.

- Requires an account manager to deny device access to an abuser, as identified in the request, within two business days.
- Provides that an account manager, and other specified agents or employees, shall treat any information submitted by a victim as confidential and securely dispose of the information not later than 90 days after receiving the information.

- Subjects account managers in knowing violation of these provisions, and abusers that knowingly maintain device access despite access denial, to civil actions brought by any person injured by the violation or in the name of the people of the State of California by the Attorney General or by any district attorney. The court may award injunctive relief, and any other relief necessary to prevent a violation. Those in knowing violation are also liable for civil penalties not to exceed $2,500 for each connected device. If the action is brought by the Attorney General, the penalty shall be deposited into the General Fund. If the action is brought by a district attorney, the penalty shall be paid to the treasurer of the county in which the judgment was entered.

Related Legislation:

- SB 1394 (Min) would require a vehicle manufacturer to create a process for terminating a person's access to remote vehicle technology, as defined, upon a completed request from a driver who establishes proof of legal possession of the vehicle. SB 1394 is pending on the Senate Floor.

- AB 3139 (Weber) would requires the manufacturer of a vehicle with certain remote vehicle technology to immediately reset the technology, as specified, upon the request of a survivor of domestic violence. AB 3139 is pending in Assembly Appropriations Committee.

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