

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1651 (Dixon)
Version: March 26, 2026
Hearing Date: June 16, 2026
Fiscal: No
Urgency: No
AM

SUBJECT

State Bar of California: artificial intelligence

DIGEST

This bill requires the State Bar of California (State Bar), beginning January 1, 2028, to disclose the use of artificial intelligence-generated content in developing or administering State Bar examinations or study materials, as specified.

EXECUTIVE SUMMARY

The State Bar is a public corporation and the largest state bar in the country. Every person seeking to be licensed to practice law in this state must pass the bar exam. The State Bar administers the bar exam twice a year – in February and July. The State Bar used a new exam format and platform for the first time in decades for the February 2025 exam that allowed for both in-person and remote test taking.¹ The administration of the new exam was an unmitigated disaster. In the aftermath, it was revealed that artificial intelligence (AI) was used to design some of the questions on the exam. This bill seeks to address concerns that AI could be used to generate content for Stat Bar examinations by requiring disclosure of the use of any AI-generated content in developing or administering the State Bar examinations and content in study material.

This bill is author sponsored. No timely support or opposition was received by the Committee.

¹ Olivia Hebert, SF Gate, *California's new bar exam launch was a 'disaster.' Now test takers are suing.* (Feb. 28, 2025), available at <https://www.sfgate.com/california/article/california-bar-exam-march-retakes-20192958.php>.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires all attorneys who practice law in California to be licensed by the State Bar and establishes the State Bar, within the judicial branch of state government, for the purpose of regulating the legal profession. (Cal. const., art. VI, § 9; Bus. & Prof. Code §§ 6000 et seq.)
 - a) The Legislature sets the annual fees. (Bus. & Prof. Code §§ 6140 & 6141.)
 - b) The State Bar is governed by the Board of Trustees of the State Bar (Board). (Bus. & Prof. Code §§ 6010 et seq.; § 6016.)
 - c) Establishes the State Bar Act as the statutory requirements regulating the practice of law in this state. (Bus. & Prof. Code §§ 6000 et seq.)
- 2) Establishes that protection of the public, which includes support for greater access to, and inclusion in, the legal system, is the highest priority for the State Bar in exercising their licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is to be paramount. (Bus. & Prof. Code § 6001.1.)
- 3) Provides various requirements a person must meet to be certified to the California Supreme Court for admission to practice law in this state, including passing the general bar examination given by the Committee of Bar Examiners. (Bus. & Prof. Code § 6060(g).)
 - a) Other exams that may be required include the first-year law students' examination and the attorneys' examination (Bus. & Prof. Code §§ 6060 & 6062.)
- 4) Defines "artificial intelligence" as an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. (Civ. Code § 1714.46(a).)

This bill:

- 1) Requires the State Bar to disclose the use of artificial intelligence-generated content in developing or administering the State Bar examinations, including any related question, performance test, answer key, or scoring rubric.
 - a) This applies regardless of whether the artificial intelligence-generated content is revised or reviewed by a natural person.
 - b) This disclosure is to be posted on the State Bar's website 60 days before the examination in which the artificial intelligence-generated content is used.

- 2) Requires the State Bar to disclose the use of any artificial intelligence-generated content in study material, including sample or practice questions, model answers, selected answers, outlines, explanations, or other instructional materials prepared, published, endorsed, or distributed by the State Bar for use by applicants for the State Bar examinations.
 - a) This applies regardless of whether the artificial intelligence-generated content is revised or reviewed by a natural person.
 - b) This disclosure is to be made on the cover page of the study material.
- 3) Defines the following terms for these purposes.
 - a) “Artificial intelligence” means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.
 - b) “Artificial intelligence-generated content” means visual or textual content that is generated, in whole or in part, by generative artificial intelligence.”
 - c) “Generative artificial intelligence” means artificial intelligence that can generate derived synthetic content, including text, images, video, and audio, which emulates the structure and characteristics of the artificial intelligence’s training data.”
 - d) “State Bar examinations” means the general bar examination, the first-year law students’ examination, as described in Section 6060, and the attorneys’ examination as described in Section 6062.
- 4) Provides that the bill becomes operative on January 1, 2028.

COMMENTS

1. Stated need for the bill

The author writes:

AB 1651 seeks to address the shortcomings of the February 2025 Bar Exam and prevent future issues by requiring the State Bar of California to disclose the use of AI generated content in the development and administration of the State Bar Examination. This disclosure would simply need to be posted on the State Bar’s website and on the cover of any study materials.

This requirement would remain in place even if a live person reviews or revises the content to ensure that students are still aware when AI has been used. This commonsense proposal will provide greater transparency for both administrators and test takers of how the content contained within the Bar Examination is generated.

2. State Bar examinations and use of AI

The State Bar administers the bar exam twice a year – in February and July. The bar exam is comprised of three components: five one-hour essay questions, one 90-minute performance test, and 200 multiple-choice questions. Attorneys who are licensed in another state, take what is commonly referred to as the Attorney’s Exam, which consists only of the written portion of the bar exam (no multiple-choice questions). The State Bar also offers a first-year law student exam, commonly referred to as the baby bar, which consists of 100 multiple-choice questions and covers three subjects: Contracts, Criminal Law, and Torts. The baby bar is required for those who are enrolled in a non-American Bar Association accredited law school or are completing an apprenticeship or work-study program.

The State Bar used a new exam format and platform for the first time in decades during the February 2025 exam that allowed for both in-person and remote test taking. The administration of this exam was an unmitigated disaster. During the aftermath it was revealed that the State Bar employed a company to have non-lawyers use AI to create some of the questions for the multiple-choice portion of the bar exam. According to the State Bar, 100 of the 171 scored multiple-choice questions were made by Kaplan, 48 were taken from a first-year law students’ examination, and 23 questions that were scored on the exam were made by ACS Ventures, the State Bar’s psychometrician, and developed with artificial intelligence.² ACS Ventures is the same company that the State Bar uses to assess and approve the questions on the bar exam. The use of AI to generate 23 questions was not reported to the Committee of Bar Examiners, the Supreme Court, or the public.³

This bill seeks to ensure disclosure of the use of AI-generated content in developing or administering State Bar examinations or study materials. The bill provides its provisions are to become operative on January 1, 2028.

3. Proposed Amendment

The State Bar expressed some concern regarding having to make the disclosure required by the bill for exam material it did not create as it would not have knowledge of whether or not AI was used to generate exam questions or study material. The author has agreed to amend the bill to address this concern by making the disclosure apply only to content developed by or at the explicit direction of the State Bar. The specific amendments is as follows:

² Jenny Jarvie, Los Angeles Times, *State Bar of California admits it used AI to develop exam questions, triggering new furor*, (Apr. 23, 2025), available at <https://www.latimes.com/california/story/2025-04-23/state-bar-of-california-used-ai-for-exam-questions>.

³ Cheryl Miller, The Recorder, *State Bar Defends AI Use on Bar Exam, Asks Calif. Supreme Court to Lower Passing Score*, (Apr. 20, 2025).

Amendment

SECTION 1. Section 6060.15 as added to the Business and Professions Code is amended to read:

6060.15. (a) For purposes of this section:

(1) “Artificial intelligence” means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

(2) “Artificial intelligence-generated content” means visual or textual content that is generated, in whole or in part, by generative artificial intelligence.

(3) “Generative artificial intelligence” means artificial intelligence that can generate derived synthetic content, including text, images, video, and audio, which emulates the structure and characteristics of the artificial intelligence’s training data.

(4) “State Bar examinations” means the general bar examination, the first-year law students’ examination, as described in Section 6060, and the attorneys’ examination as described in Section 6062.

(b) ~~The~~ For any content developed by or at the explicit direction of the State Bar, the State Bar shall disclose the use of artificial intelligence-generated content in developing or administering the State Bar examinations, including any related question, performance test, answer key, or scoring rubric.

(c) ~~The~~ For any content developed by or at the explicit direction of the State Bar, the State Bar shall disclose the use of any artificial intelligence-generated content in study material, including sample or practice questions, model answers, selected answers, outlines, explanations, or other instructional materials prepared, published, endorsed, or distributed by the State Bar for use by applicants for the State Bar examinations.

(d) Subdivisions (b) and (c) apply regardless of whether the artificial intelligence-generated content is revised or reviewed by a natural person.

(e) (1) A disclosure made pursuant to subdivision (b) shall be posted on the State Bar’s internet website 60 days before the examination in which the artificial intelligence-generated content is used.

(2) A disclosure made pursuant to subdivision (c) shall be made on the cover page of the study material.

(f) This section shall become operative on January 1, 2028.

SUPPORT

None received

OPPOSITION

None receive

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: SB 253 (Umberg, Ch. 405, Stats. 2025) among other things, required the Committee of Bar Examiners to give notice if artificial intelligence is used in creating questions for, or grading, the bar examination.

PRIOR VOTES

Assembly Floor (Ayes 68, Noes 0)

Assembly Privacy and Consumer Protection Committee (Ayes 15, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)
