

CONCURRENCE IN SENATE AMENDMENTS

AB 1651 (Dixon)

As Amended June 18, 2026

Majority vote

SUMMARY

Requires the State Bar of California to disclose the use of artificial intelligence in the development of the California bar examination.

Major Provisions

- 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.
- 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.
- 3) Provides that the disclosure requirements of 1) and 2) apply whether or not the artificial intelligence-generated content was reviewed by a natural person.
- 4) Defines the following terms:
 - 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 artificial intelligence; and
 - c) "State Bar examinations" means the general bar examination, the first-year law students' examination, and the attorneys' examination, as specified.
- 5) Delays the implementation of the bill until January 1, 2028.

Senate Amendments

Clarify that disclosures are for content developed by or at the explicit direction of the State Bar.

COMMENTS

In August of 2024, trying to reduce costs and improve examinee experiences, the State Bar of California announced major reforms to the biannual general bar examination. The new exam would be developed by Kaplan Exam Services, administered by a testing company called Meazure Learning, and designed to permit students to take the exam remotely or at local testing centers in lieu of the mass testing facilities historically utilized to administer the California bar exam.

The first administration of the new exam, in February 2025, was an unmitigated disaster. The exam was plagued with technical problems, communication errors between the State Bar and examinees, and a less-than-transparent response to the debacle by State Bar leadership. One aspect of the exam creation process in which transparency was severely lacking involved the post-examination revelation that artificial intelligence, with a questionable degree of human oversight, was utilized in the development of some of the multiple-choice questions used in the exam. While the outcry against the use of artificial intelligence in the creation of exam questions was largely a byproduct of the examinees' broader rage toward the State Bar about the entire examination process, given the questions regarding the degree of human oversight in the creation of the exam questions, additional transparency appears warranted.

Seeking to respond to examinee feedback the State Bar tried, and failed, to make significant reforms to the bar examination. During the COVID pandemic, the bar exam temporarily moved online, sparing examinees the somewhat traumatic experience of sitting for a critical licensing examination in a room filled with hundreds, if not thousands, of other anxious exam takers. As a result of the online experience, the State Bar received feedback from examinees that they preferred taking the exam in a remote setting. (Cal Bar Office of Communications, *State Bar, Kaplan, Sign Five-Year California Bar Exam Development Contract*, State Bar of California (Aug. 13, 2024) available at: <https://www.calbar.ca.gov/About-Us/News/News-Releases/state-bar-kaplan-sign-five-year-california-bar-exam-development-contract>.) At the same time the State Bar was inclined to move away from the traditional exam model, for a multitude of reasons, and thus the State Bar opted to generate its own exam. (*Ibid.*)

Seeking assistance in developing the exam, the State Bar turned to Kaplan Exam Services LLC. Given that Kaplan is practically synonymous with exam preparation courses for higher education admission examinations, this appeared to be a wise choice. While the Legislature is still awaiting the result of the audit into the February 2025 exam catastrophe, mandated by last year's SB 47 (Umberg) Chap. 209, Stats. 2025, some reporting suggested that one of the exam's many issues stemmed from the test administrator's struggles to generate enough exam questions to meet the demands of conducting a state licensing exam. Given the earlier stumbles by the State Bar in handling the fallout from the February 2025 exam administration, the fact that artificial intelligence was utilized to create approximately 10% of the February 2025 exam's multiple-choice questions only added to the outrage expressed by the examinees.

The use of artificial intelligence in creating a licensing exam is not inherently inappropriate, however, artificial intelligence must be utilized in a responsible manner. The basic use of artificial intelligence in creating exam questions is not inherently wrong. Much like other aspects of life, the use of a properly trained artificial intelligence model may generate efficiencies and aid in the production of strong exam questions. However, as it relates to the February 2025 bar exam, the use of artificial intelligence appears problematic. Notably it appears that there was inadequate human review of the questions generated by artificial intelligence.

While not prohibiting the use of artificial intelligence in the creation of the bar exam, the bill ensures that examinees are aware of the presence of content generated using artificial intelligence. Recognizing that the use of artificial intelligence may generate efficiencies in the examination development process, this bill does not ban the technology's use by the State Bar. However, this bill requires the bar to disclose to test takers whether or not artificial intelligence was utilized in developing a given bar examination. The bill also appears to avoid any question-specific disclosures, thus reducing any risk that disclosing the use of artificial intelligence in the

creation of the exam may inadvertently undermine the validity of a given exam question. Finally, recognizing many aspiring attorneys' insatiable appetite for bar exam preparation materials this bill permits the usage of artificial intelligence in the development of study materials, including sample or practice questions, model answers, selected answers, outlines, explanations, or other instructional materials prepared, published, endorsed, or distributed by the State Bar, so long as the use of artificial intelligence is disclosed to would-be test takers.

Defining artificial intelligence. A brief search of the California codes highlights at least one dozen areas of code that define artificial intelligence. A cursory review of the definition provided in this bill appears to align with the majority of the definitions in existing law. The bill provides that artificial intelligence is 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."

According to the Author

The purpose of this bill is simple: to create a requirement that the California State Bar identifies any content that was generated by AI when preparing or administering the Bar Examination. This bill does not ban the usage of AI, it merely institutes more oversight and accountability regarding its usage in the Bar Examination. This bill achieves this by requiring disclosure from the state bar.

Arguments in Support

This bill is supported by California Civil Liberties Advocacy. In support of the measure, they write:

The practice of law implicates fundamental liberty and property interests. Admission to the Bar is not merely an academic milestone—it is the gateway to professional livelihood, economic mobility, and meaningful participation in our justice system. When high-stakes licensure examinations incorporate artificial intelligence tools, transparency becomes essential to preserving public confidence and protecting applicants' due process rights.

AB 1651 does not prohibit the State Bar from utilizing modern technological tools. Instead, it establishes a straightforward and reasonable disclosure requirement. This balanced approach promotes institutional accountability while preserving flexibility for innovation. By requiring disclosure regardless of whether AI-generated content is later reviewed by a human, the bill ensures meaningful transparency rather than symbolic compliance.

Arguments in Opposition

None on file

FISCAL COMMENTS

None

VOTES:

ASM JUDICIARY: 12-0-0

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM PRIVACY AND CONSUMER PROTECTION: 15-0-0

YES: Lowenthal, Macedo, Bryan, DeMaio, Hart, Hoover, Irwin, McKinnor, Ortega, Patterson, Pellerin, Petrie-Norris, Ward, Wicks, Wilson

ASSEMBLY FLOOR: 68-0-12

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Boerner, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Arambula, Berman, Bonta, Dixon, Flora, Harabedian, Hart, Hoover, Irwin, Papan, Celeste Rodriguez, Schiavo

SENATE FLOOR: 36-0-4

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Durazo, Gonzalez, Grayson, Grove, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Alvarado-Gil, Dahle, Jones, Reyes

UPDATED

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