

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS
 Buffy Wicks, Chair
 AB 1705 (Bauer-Kahan) – As Introduced February 4, 2026

Policy Committee:	Privacy and Consumer Protection	Vote:	15 - 0
	Judiciary		12 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill establishes civil liability for commercial pornographic websites that host sexually explicit content involving individuals who did not consent to the depiction, did not consent to the uploading, or were minors at the time of the content’s creation.

Specifically, this bill:

- 1) Requires the operator of a commercial pornographic website to exercise “ordinary care” and take “reasonable steps” to make sure that uploaded content does not include anyone who was under 18 at the time the video was made or contain anyone who did not consent to the making and the uploading of the video.
- 2) Requires an uploader to submit a statement attesting to the fact that content meets the requirements, as specified, and provide information that allows the platform to contact the uploader if necessary.
- 3) Establishes a private right of action against both the platform and the user for an individual who suffers harm because of a violation of the provisions described above.
- 4) Enables depicted individuals to obtain up to \$75,000 in statutory damages per violation, as well as punitive damages, attorney’s fees, and any other available relief.
- 5) Provides that public prosecutors may also bring actions and obtain the same remedies, although the civil penalty in those cases is capped at \$25,000 per violation.

FISCAL EFFECT:

- 1) Possible enforcement costs (General Fund, special funds) to the Department of Justice (DOJ) of an unknown amount. Actual costs will depend on whether the Attorney General pursues enforcement actions, and, if so, the level of additional staffing DOJ needs to handle the related workload. If DOJ hires staff to handle enforcement actions authorized by this bill, the department will incur significant costs, likely in the low hundreds of thousands of dollars annually at a minimum. If DOJ does not pursue enforcement as authorized by this bill, the department will likely not incur any costs other than those associated with defending the law against legal challenges.
- 2) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount, possibly in the hundreds of thousands of dollars, to the courts to

adjudicate civil lawsuits and enforcement actions authorized by this bill. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. If 50 cases are filed and each requires four hours of court time, the resulting costs to the court would be approximately \$200,000. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

COMMENTS:

- 1) **Purpose.** This bill is co-authored by Assemblymembers Bauer-Kahan and Dixon. As explained by the authors:

This bill would have a positive impact on the ability of underserved and marginalized communities to access the justice system. The impact of online harm such as image-based sexual abuse on its victims is profound. It causes women and girls to not only recede from spaces online, but in the public sphere altogether thus chilling their first amendment right to free speech and participation. In addition, the victims suffer significant psychological harm, including post-traumatic stress disorder, depression, and suicidal ideation. AB 1705 establishes meaningful accountability for platforms that have long evaded responsibility by claiming ignorance of user-uploaded content. Most significantly, the bill provides depicted individuals the ability to hold the perpetrator and operators of pornographic websites accountable by affording the depicted individual the ability to bring civil action against either party or both.

- 2) **Background.** "Nonconsensual pornography" refers to sexual images created or distributed without the consent of the person depicted. This is sometimes also called "revenge pornography." The online proliferation of non-consensual pornography and "deepfake pornography," sexually explicit videos and images are forged using artificial intelligence, has increased dramatically as technology evolves and becomes more widely available. In response, California has enacted multiple laws in recent years targeting those who create or distribute deepfake pornography or nonconsensual pornography. According to the authors, AB 1705 addresses a gap under existing law by establishing a civil enforcement regime targeting the unauthorized depiction and distribution of sexually explicit content on commercial pornography platforms.

Nothing in this bill restricts the uploading of pornography that is made by consenting adults. Rather, the bill targets non-consensual uploading of pornographic material. This bill imposes a legal duty on the platform hosting the material to take reasonable steps to prevent the upload from occurring in the first instance. Prior to upload, the platform must require the uploader to submit a signed declaration, under penalty of perjury, stating that the person in

the video was not a minor, that they consented to being filmed, and that they consented to the video being posted online. The uploader also needs to provide contact information so that they can be reached. If the platform fails to collect that declaration, it would be presumed to have violated its legal duty. Even if it does collect the declaration, but otherwise does not take reasonable steps to confirm the material does not contain a non-consenting individual (for example, using basic screening tools, human moderation, or content verification practices), it could still be liable. The depicted individual, or a public prosecutor acting on their behalf, can sue both the platform and the individual who uploaded the content.

- 3) **Prior Legislation.** AB 392 (Dixon, 2025) was substantially similar to this bill. That bill was held on the Senate Appropriation's suspense file.

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