

ASSEMBLY THIRD READING
AB 1705 (Bauer-Kahan and Dixon)
As Introduced February 4, 2026
Majority vote

SUMMARY

This bill, the RECLAIM Act (Removing Exploitative Content Through Legal Accountability for Image Misuse), establishes liability for any pornographic website that fails to take reasonable steps to ensure that no sexually explicit content uploaded to their website contain children who were under 18 at the time the content was created or people who did not consent to both the making of the content and to it being uploaded.

Major Provisions

- 1) Defines the following terms:
 - a) "Depicted individual" means an individual who is depicted as engaging in sexual acts in sexually explicit content who meets any of the following criteria: (1) the individual did not consent to being depicted in the sexually explicit content; (2) the individual was a minor at the time the sexually explicit content was created; (3) when the sexually explicit content was uploaded to the pornographic internet website, the individual did not consent to the uploading.
 - b) "Pornographic internet website" means an internet website that permits users to upload, or solicits from users, sexually explicit content for display on the internet website.
 - c) "Sexual conduct" means any of the following:
 - i) Masturbation.
 - ii) Sexual intercourse, including genital, oral, or anal, whether between persons regardless of sex or gender or between humans and animals.
 - iii) Sexual penetration of the vagina or rectum by, or with, an object.
 - iv) The transfer of semen by means of sexual conduct from the penis directly onto the depicted individual as a result of ejaculation.
 - v) Sadomasochistic abuse involving the depicted individual.
 - d) "Sexually explicit content" means visual imagery, including imagery generated by artificial intelligence through digitization, of an individual or individuals engaging in sexual conduct that, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- 2) Requires an operator to exercise ordinary care, as defined in Section 1714 of the Civil Code, and reasonable diligence to ensure that each instance of sexually explicit content displayed on the operator's internet website does not include a depicted individual.

- 3) Requires a user, before uploading sexually explicit content to a pornographic internet website, to submit both of the following to the operator of a pornographic internet website:
 - a) A statement certifying, under penalty of perjury, that the individuals depicted in the sexually explicit content meets all of the following criteria:
 - i) The individuals were not minors at the time the sexually explicit content was created.
 - ii) The individuals consent to the sexually explicit content being uploaded to the internet on the pornographic internet website.
 - iii) The individuals consented to being depicted in the sexually explicit content.
 - b) Information sufficient to enable the operator to contact the user, including, at a minimum, an email address. The operator must verify a user's email address before permitting the user to upload sexually explicit content to the operator's pornographic internet website.
- 4) Provides that a depicted individual who suffers harm as a result of sexually explicit content depicting the individual being displayed on a pornographic internet website may bring a civil action against:
 - a) The operator of the website, if the operator allowed the content to be uploaded to, or displayed on, its website in violation of the provisions in this section.
 - b) The user who uploaded the content, if the user knew or should have known that it included a depicted individual.
- 5) Permits a depicted individual who prevails in a civil action under (9) to obtain all of the following relief:
 - a) Actual damages or statutory damages in an amount that is not greater than \$75,000, whichever is greater.
 - b) Punitive damages.
 - c) Reasonable attorney fees and costs.
 - d) Any other available relief, including injunctive relief.
- 6) Permits a public prosecutor to bring a civil action to enforce 2)-6) to obtain all of the following relief:
 - a) A civil penalty of \$25,000 per violation.
 - b) Injunctive and equitable relief.
 - c) Reasonable attorney fees and costs.
 - d) Any other relief the court deems appropriate.

- 7) Provides that each full calendar day that the sexually explicit content remains on the website constitutes a separate violation of this chapter.

COMMENTS

Over the course of 11 days, between December 29, 2025, and January 8, 2026, men and boys around the world used the Artificial Intelligence tool, Grok, to create approximately three million fake, sexualized images of women and girls. It is estimated that 23,000 of those images depicted children. Men using sexual abuse images to harass, humiliate, and harm women and girls predates the internet. What is new is the ease with which the images can be created and that the abuse can spread further and faster. Image-based sexual abuse is a very old form of sexual degradation and violation that has taken on new significance with emerging technologies.

The online attacks on women and girls are far from harmless. The weaponizing of these images and videos by men and boys can destroy the lives of women and girls. Maintaining a "good" online identity has become essential in contemporary society. Applying for college or a job, online dating, even ordering an Uber or food delivery depend on a person's ability to create a good online identity.¹ Beyond the damage to their future, women and girls often face deep emotional and psychological harm.

According to the Author

AB 1705, the RECLAIM Act, establishes meaningful accountability for platforms by requiring operators of pornographic websites to verify that sexually explicit content does not include people depicted without their consent. Every day, countless Californians, especially women and children, are victimized by non-consensual sexual imagery posted online without their knowledge or permission. Recent reporting has exposed how mainstream platforms host millions of videos depicting non-consensual content, including private images that were created consensually and videos and images that were created without the woman's knowledge or consent. The rise of generative AI has only added to the problem: so-called "undress" apps and AI chatbots can now create realistic nude or sexually explicit images from ordinary, fully clothed photographs within seconds. 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 from the public sphere altogether, thus chilling their first amendment right to free speech and participation. The RECLAIM Act gives women and girls their power back and the proper tools to hold perpetrators and operators of pornographic websites responsible.

Arguments in Support

Arguing in support of the bill, the California Initiative for Technology & Democracy (CITED) notes:

Social media is awash in sexually explicit content, much of it created or uploaded without consent. While much of this content is illegal and certainly harmful to those depicted in it, and while there are state and national laws that make creating or sharing such content a crime, it is often impossible to find the posters and social media platforms and websites. Even with the 2025 federal TAKE IT DOWN Act, these platforms have been able to avoid

¹ Sophie Maddocks, *Image-Based Abuse: A Threat to Privacy, Safety, and Speech*, MediaWell (Mar. 15, 2023) <https://mediawell.ssrc.org/research-reviews/image-based-abuse-a-threat-to-privacy-safety-and-speech/>.

some responsibility for these images. Unfortunately, nonconsensual sexually explicit content continues to proliferate online.

AB 1705 creates clear requirements for both pornographic website operators and users to prevent the proliferation of such content, explicitly requiring website operators to exercise ordinary care and reasonable diligence, in addition to seeking identification from its posters and requiring them to certify that the persons depicted in the images have consented. If the operator fails to obtain the required user certification, they are presumed to have violated their duty of care. The bill importantly provides strong penalties for failure to comply.

Nonconsensual sexually explicit content violates individuals' privacy, can go viral in an instant, and can cause irreparable harm. Thank you for authoring this important legislation to stop the proliferation of these images and better protect women and girls.

Arguments in Opposition

Writing in opposition, TechNet and the Computer & Communications Industry Association argue:

AB 1705 defines a "pornographic internet website" as any website that "permits users to upload, or solicits from users, sexually explicit content." This definition is not limited to websites whose primary purpose or stated in their terms of service allows pornographic material to be distributed. Instead, it captures any service that allows user uploads where such content may appear, including platforms that prohibit sexually explicit content as a matter of policy, invest heavily in detection and removal systems, and encounter such content only incidentally through user behavior.

As a result, the bill risks sweeping in a wide range of mainstream online services that do not seem to be the intended targets of this legislation.

To address this threshold issue, the bill should be amended to include a clear, purpose-based definition that limits its application to websites primarily engaged in the distribution of sexually explicit content.

FISCAL COMMENTS

- 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.

VOTES

ASM PRIVACY AND CONSUMER PROTECTION: 15-0-0

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

ASM JUDICIARY: 12-0-0

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

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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