
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1705 (Bauer-Kahan) - Pornographic internet websites

Version: July 1, 2026

Policy Vote: JUD. 11 - 0, P., D.T., & C.P.
9 - 0

Urgency: No

Mandate: Yes

Hearing Date: August 3, 2026

Consultant: Bob Franzoya

Bill Summary: AB 1705 requires operators of pornographic websites to exercise a duty of care and take steps to prevent the upload of nonconsensual or underage sexually explicit content to their websites. This bill would authorize a depicted individual and a public prosecutor to bring a civil action to enforce these provisions, as prescribed.

Fiscal Impact: Potentially significant costs to state and local prosecutors to prosecute civil enforcement actions for violations of this bill. (local funds, General Fund)

Potentially significant cost pressure to the courts to adjudicate civil actions. Creating new private causes of action may lead to additional case filings that otherwise would not have commenced and could lead to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact to the courts will depend on many unknowns, including the number of cases filed and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. While the 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 fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

Unknown costs if a penalty of perjury is imposed. Perjury is punishable by 2-3-4 years in jail. The average annual cost to incarcerate one person in county jail is approximately \$80,000. In 2021 Los Angeles County budgeted \$1.3 billion for jail costs with \$90,000 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

Background: Deepfake pornography is a depiction of a real, identifiable person that has been digitally altered to show the person's naked body or show the person engaged in sexual activity. This type of digital alteration has been made much easier by generative artificial intelligence technology, which powers phone apps, websites, and other programs that allow anyone to create or alter an image in this manner. As described in more detail in the policy committee analyses of this bill, California has passed multiple laws in recent years to hold accountable people who create and distribute deepfake pornography or revenge pornography and discourage its proliferation. Currently, a person who creates or distributes unauthorized, digitally altered sexual images is subject to criminal penalties and may be sued in civil court by the person depicted in the images.

Proposed Law: The bill would require a user of a pornographic internet website, before uploading sexually explicit content, to submit specific information to the operator, including a statement certifying, under penalty of perjury, that each individual depicted in the sexually explicit content meets certain criteria.

Under the bill, knowingly providing false information in the user statement would be punishable as an infraction with a specified fine. By expanding the crime of perjury and creating a new crime, this bill would impose a state-mandated local program.

A depicted individual who suffers harm as a result of sexually explicit content depicting them being displayed on a pornographic internet website may bring a civil action against the operator of the pornographic internet website if the operator allowed that content to be uploaded to, or displayed on, its pornographic internet website in violation of Section 22612 or 22614 and may bring a civil action against the user for uploading sexually explicit content that the user knew, or should have known, included a depicted individual.

A depicted individual who prevails in a civil action pursuant to this section may obtain all of the following relief:

- 1) Actual damages or statutory damages in an amount that is not greater than seventy-five thousand dollars (\$75,000) per violation, whichever amount is greater.
- 2) Punitive damages.
- 3) Reasonable attorney's fees and costs.
- 4) Any other available relief, including injunctive relief.

A public prosecutor may bring a civil action to enforce this chapter to obtain all of the following relief:

- 1) A civil penalty of twenty-five thousand dollars (\$25,000) per violation.
- 2) Injunctive and other equitable relief.
- 3) Reasonable attorney's fees and costs.
- 4) Any other relief the court deems appropriate.

Related Legislation: AB 392 (Dixon) 2025, a substantially similar measure, requires, before uploading sexually explicit content to a pornographic website, a person to submit a statement certifying that any individual depicted in the content was not a minor, consented to being depicted, and consents to the content being uploaded to the website. AB 392 was held on the committee's suspense file.

AB 621 (Bauer-Kahan) Chapter 673/2025 increases civil liability for knowingly or recklessly aiding or abetting the creation or distribution of nonconsensual deepfake pornography and authorizes specified public prosecutors to enforce deepfake pornography laws.