

CONCURRENCE IN SENATE AMENDMENTS

AB 1705 (Bauer-Kahan and Dixon)

As Amended July 1, 2026

Majority vote

SUMMARY

This bill specifies that the operator of a website must exercise a duty of ordinary care with respect to pornographic content displayed on its site, and requires the operator of a pornographic internet website, as defined, to obtain from its users a verification that content the user uploads to the site does not include a depiction of a person who was a minor at the time the material was created, who did not consent to be in the material, or who did not consent to have the material uploaded.

Senate Amendments

Exempts online dating services where explicit content is shared through a private messaging or direct-communication feature to one or more user-selected recipients, if the content is not available to the public.

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 3 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

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/>.

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 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

According to the Senate Appropriations Committee:

- 1) Potentially significant costs to state and local prosecutors to prosecute civil enforcement actions for violations of this bill (local funds, General Fund).
- 2) 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).
- 3) 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).
- 4)

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

ASSEMBLY FLOOR: 72-0-8

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

ABS, ABST OR NV: Arambula, Chen, Garcia, Hoover, Lackey, Patterson, Ramos, Celeste Rodriguez

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, 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: Reyes

UPDATED

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