
THIRD READING

Bill No: AB 1946
Author: Wicks (D) and Krell (D), et al.
Amended: 7/2/26 in Senate
Vote: 21

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 9-0, 6/29/26
AYES: Cabaldon, Seyarto, Gonzalez, McNerney, Ochoa Bogh, Padilla, Reyes, Umberg, Wiener

SENATE JUDICIARY COMMITTEE: 13-0, 6/30/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 75-0, 5/26/26 - See last page for vote

SUBJECT: Reporting mechanism: child sexual abuse material

SOURCE: Children's Advocacy Institute

DIGEST: This bill updates and strengthens California's reporting mechanism for child sexual abuse material (CSAM) on social media.

ANALYSIS:

Existing law:

- 1) Requires, not later than May 19, 2026, a covered platform to establish a process whereby an identifiable individual, or an authorized person acting on their behalf, may notify the platform of an intimate visual depiction on the platform and request its removal, with information sufficient for the platform to identify the individual and to locate the intimate visual depiction in question.

- a) The platform must provide a clear and conspicuous notice of the removal process that is easy to read, in plain language, and provide information regarding the platform's obligations, including how to submit a removal notice.
 - b) Upon receiving a valid removal request, a covered platform shall, as soon as possible, but not later than 48 hours after receiving the request, remove the intimate visual depiction and make reasonable efforts to identify and remove any known identical copies of such depiction.
 - c) A platform's failure to remove an intimate visual depiction after receiving a valid request is treated as a violation of specified federal laws and may be enforced by the Federal Trade Commission. (47 U.S.C. 223a note.)
- 2) Requires online electronic service providers in the United States to report to the CyberTipline operated by the National Center for Missing & Exploited Children if they become aware of apparent CSAM on their platform. (18 U.S.C. § 2258A.)
 - 3) Establishes criminal and civil penalties against perpetrators of sex trafficking and those who knowingly benefit from trafficking. (18 U.S.C. § 1591, 1595.)
 - 4) Requires a social media platform to do all the following:
 - a) Provide an accessible mechanism for California users to report material to the platform that the user reasonably believes is CSAM that is displayed, stored, or hosted on the platform.
 - b) Collect information reasonably sufficient to enable the platform to contact the reporting user and contact the user in writing by a method chosen by the user that is not in control of the social media company that operates the platform.
 - c) Permanently block the instance of reported material, and make reasonable efforts to remove and block other instances of the same material from being viewable on the platform if there is a reasonable basis to believe it is CSAM; it is stored, displayed, or hosted on the platform; and the report contains basic identifying information sufficient to permit the platform to locate the reported material.
 - d) Provide a written confirmation regarding receipt of the report within 36 hours of the report, with a description of the schedule of regular written updates that the platform is required to make.

- e) Provide a written update to the reporting user as to the status of the platform's handling of the reported material using the information collected from the reporting user, as described above.
 - f) Issue a final written determination to the reporting user stating whether the material has been determined to be CSAM displayed, stored, or hosted on the social media platform.
 - g) Comply with the requirements described above within 30 days unless there are circumstances beyond the reasonable control of the platform, in which case compliance must be within 60 days, but notice of the delay must be provided to the reporting user within 48 hours of the time the platform knew the delay was likely to occur. (Civil [Civ.] Code § 3273.66)
- 5) Makes a social media platform that fails to comply with the requirements described above liable to a reporting user for actual damages sustained by the reporting user because of the violation, statutory damages of no more than \$250,000, as specified, costs of the action, and any other relief the court deems proper. (Civ. Code § 3273.67)
- 6) Establishes a rebuttable presumption that the social media company is liable for statutory damages if it fails to comply with the reporting and blocking provisions described above within 60 days of the date on which the material was first reported. (Civ. Code § 3273.67)
- 7) Prohibits a social media platform from knowingly facilitating, aiding, or abetting commercial sexual exploitation of a minor or nonminor dependent. Deems a platform to have knowledge if CSAM is reported on its platform for four consecutive months, and provides that the platform is facilitating, aiding, or abetting if its features are a substantial factor in causing minor users to be victims of commercial sexual exploitation. Imposes statutory damages of between \$1,000,000 and \$4,000,000 for violations. (Civ. Code § 3345.1)
- 8) Provides that a platform is not subject to this liability if it institutes a program of at least biannual audits of its designs, algorithms, practices, affordances, or features that have the potential to result in violations; takes action within 30 days of completion of an audit designed to mitigate or eliminate foreseeable risk of violations; and provides the platform's board of directors with the audits within 90 days of completion of the mitigations. (Civ. Code § 3345.1)

This bill:

- 1) Removes the requirement that a reporting user is an identifiable minor in the reported material to report CSAM on a social media platform, effectively enabling all users to report.
- 2) Requires a social media platform to have its CSAM reporting mechanism be clear and conspicuous, not use dark patterns, and allow reporting for material sent or received through direct messaging systems.
- 3) Requires a social media platform to ensure that any report submitted through the reporting mechanism is reviewed through a hash-matching process.
- 4) Requires a social media platform to ensure that any report submitted through the reporting mechanism is reviewed by a natural person, if both of the following are true:
 - a) There is no established or known hash match to child sexual abuse material with respect to the reported material.
 - b) The reported material is not otherwise blocked.
- 5) Allows social media platforms to contact a reporting user by a method within the control of the social media company that owns or operates the platform, if the method is chosen by the reporting user and not under the influence of dark patterns.
- 6) Reduces the time that a social media platform has to complete the reporting process for CSAM from 30 days to 48 hours.
- 7) Reduces the time that a social media platform has to complete the reporting process, if circumstances beyond the reasonable control of the social media platform do not allow for a 48-hour compliance time, from 60 days to 5 days.
- 8) Subjects a social media company that fails to comply with Section 3273.66 of the Civil Code to a civil action brought by the Attorney General, a district attorney, a city attorney, or a county counsel for a civil penalty not to exceed \$250,000 for each day that the reporting mechanism is in violation of Section 3273.66 and for reasonable attorney's fees and costs.
- 9) Requires that social media platforms submit biannual audits to the Attorney General and, if requested, to a district attorney, city attorney, or county counsel to achieve safe harbor from knowingly facilitating, aiding, or abetting commercial sexual exploitation of a minor or nonminor dependent. Exempts the aforementioned audits from disclosure through the Public Records Act.

Background

CSAM is extremely pervasive on social media platforms, which are not only a popular place to spread CSAM but, in certain cases, can facilitate its creation. Once CSAM is uploaded or posted online, it can be circulated for years, leaving survivors to relive and experience this abuse far after it had originally occurred. Recognizing this issue, the Legislature passed AB 1394 (Wicks, Chapter 579, Statutes. 2023), establishing a first-in-the-nation framework for survivors to report CSAM on social media platforms for its removal. AB 1394 went into effect in 2025. However, while groundbreaking, implementation reveals gaps in the accessibility, effectiveness, and accountability measures of the bill.

This bill addresses these implementation challenges by updating and strengthening the mechanism by more clearly outlining accessibility standards, expanding access to the reporting mechanism to all users, and aligning existing law's definitions and timeline with the recently passed federal TAKE IT DOWN Act. This bill also enhances the enforcement and accountability measures of AB 1394 by expanding enforcement to public prosecutors and requiring biannual audits to be submitted to the Attorney General to earn existing law's safe harbor, among other provisions.

This bill is sponsored by the Children's Advocacy Institute and is supported by a wide array of child safety and survivor advocacy groups, including Children Now and 3Strands Global Foundation. No timely opposition has been received, but a small coalition of industry groups, including TechNet, notes concerns. For a more thorough discussion, please see the Senate Privacy, Digital Technologies, and Consumer Protection analysis of the bill.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

Significant annual ongoing costs to the Department of Justice (DOJ). Costs include workload costs for receiving and reviewing submitted audits, responding to local prosecutor requests for audit material, and, if the Attorney General exercises the authority granted, conducting rulemaking to define "clear and conspicuous." Additional 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 would 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 would likely not incur any

costs. A portion of DOJ enforcement costs may be offset by reasonable attorney's fees and costs recovered in successful actions. (General Fund)

Significant workload cost pressures to the courts to adjudicate civil enforcement actions depending on the number of cases filed and the amount of court time needed to resolve each case. An eight-hour court day costs approximately \$10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. 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)

SUPPORT: (Verified 8/13/26)

Children's Advocacy Institute (Source)

3Strands Global Foundation

Bright Light Strategies

California Coalition for Children's Safety and Health

California District Attorneys Association

California Family Council

California Initiative for Technology & Democracy, a Project of California

Common CAUSE

Children Now

Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties

Organization for Social Media Safety

2 Individuals

OPPOSITION: (Verified 8/13/26)

None received

ARGUMENTS IN SUPPORT: The California District Attorneys Association writes in support:

California's prosecutors have long advocated for laws to strengthen protections for children, and our Legislature has heard our call in a variety of ways. For example, the statutes to be amended by AB 1946 were enacted to make it easier for victims to have disturbing images removed from social media platforms. Unfortunately, the statutes have

not worked as hoped because social media corporations have found loopholes that allow them to ignore requests with impunity.

AB 1946 closes the loopholes by defining key terms, clarifying key provisions, and eliminating unnecessary barriers to removal such as the current provision that a social media platform receives complaints about a particular image “for four consecutive months” before they must act. (Civ. Code, § 3345.1, subd. (g)(4)(A).) This allows the corporation to knowingly leave CSAM images on the social media platform, available for viewing, for at least four months before making any effort to remove them.

AB 1946 also strengthens civil suit protections by permitting the Attorney General or a district attorney to file suit for violations rather than placing this burden on victims and their families.

Like you, we believe social media platforms should remove CSAM when they become aware of its existence on their sites and should be held accountable when they do not.

ASSEMBLY FLOOR: 75-0, 5/26/26

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

NO VOTE RECORDED: DeMaio, Lackey, Muratsuchi, Celeste Rodriguez, Ta

Prepared by: Benjamin Diaz / P., D.T., & C.P. / (916) 651-1548
8/15/26 15:33:34

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