
THIRD READING

Bill No: AB 2212
Author: Bauer-Kahan (D), et al.
Amended: 8/13/26 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 6-0, 6/17/26
AYES: Pérez, Ochoa Bogh, Choi, Cortese, Gonzalez, Reyes
NO VOTE RECORDED: Cabaldon

SENATE JUDICIARY COMMITTEE: 13-0, 6/23/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener

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

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

ASSEMBLY FLOOR: 78-0, 5/26/26 - See last page for vote

SUBJECT: Postsecondary education: sexual harassment, harassment,
intimidation, and bullying policies: student training

SOURCE: Survivors + Allies

DIGEST: This bill expands the definition of sexual harassment by adding that it includes technology-facilitated sexual harassment, which includes, but is not limited to, cyber sexual bullying, cyber stalking, sextortion, and doxing. This bill expands the definition of sexual exploitation by adding that it includes the creation, generation, or distribution of digitized sexually explicit materials without the written consent of the depicted individual or individuals of each such act.

ANALYSIS:

Existing federal law:

- 1) Establishes Title IX, providing that, in part, “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.” (United States Code (USC) Title 20, Chapter 38, § 1681 (commonly known as Title IX))
- 2) Defines sexual harassment as a form of sex discrimination and as conduct on the basis of sex that satisfies at least one of the following:
 - a) *Quid pro quo harassment*. An employee of the postsecondary education institution conditions aid, benefit, or services to a postsecondary education institution’s education program or activity on the individual’s participation in unwelcome sexual conduct.
 - b) *Hostile environment harassment*. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity.
 - c) *Specific offenses*. Sexual assault, dating violence, domestic violence, and stalking, as defined in the USC. (Code of Federal Regulations (CFR), Title 34, Subtitle B, Chapter 1, Part 106, Subpart A, § 106.2)

Existing state law:

- 1) Defines the following terms:
 - a) “Sexual harassment” as unwelcomed sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting in which specific conditions are met. “Sexual harassment” also includes sexual battery, sexual violence, and sexual exploitation.
 - b) “Sexual violence” as physical sexual acts perpetrated against a person without the affirmed consent of the person, and these acts include rape and sexual battery.

- c) “Sexual exploitation” means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person’s consent, including, but not limited to: prostituting or trafficking of another person, or the nonconsensual recording or distribution of images or audio of another person’s sexual activity or intimate parts. (Education Code (EC) § 66262.5)
- 2) Requires each postsecondary educational institution that receives state financial assistance, beginning on September 1, 2024, to annually train its students on sexual violence and sexual harassment, and consider updating the annual training every two years thereafter beginning September 1, 2026. (EC § 67385.7)
 - 3) Requires the governing board of the community college district (CCD) and the Trustees of the California State University (CSU), and requests of the Regents of the University of California (UC) and governing boards of independent colleges and universities that receive state financial assistance, as part of the hiring process for an appointment to an academic, athletic, or administrative position with their respective campuses, to:
 - a) Require an applicant to disclose any final administrative or judicial decision issued within the last 7 years from the date of submission of the application determining that the applicant committed sexual harassment, and permit applicants to disclose if they have filed an appeal with the previous employer or with the United States Department of Education.
 - b) Require the campuses, if an applicant reaches the final stages of the application process for the specified position, to use a specified signed release form to engage in a reasonable attempt to obtain information from the previous employer concerning any substantiated allegations of misconduct. (EC §§ 87604.5, 89521, 92612.1, and 66281.9)

This bill:

- 1) Adds the following definitions and stipulations:
 - a) “Cyber sexual bullying” means the dissemination of a photograph, digitized sexually explicit material, or other visual recording by means of an electronic act that has or can be reasonably predicted to have one or more of the following effects:

- i) Placing a reasonable person or persons in fear of harm to that person or persons or their property.
 - ii) Causing a reasonable person to experience a substantially detrimental effect on the person's physical or mental health.
 - iii) Causing a reasonable person to experience substantial interference with the person's academic performance, work, or employment.
 - iv) Causing a reasonable person to experience substantial interference with the person's ability to participate in or benefit from the services, activities, or privileges provided by an educational institution.
- b) Indicates that a photograph, digitized sexually explicit material, or other visual recording (in the definition for "cyber sexual bullying") includes the depiction of a nude, seminude, or sexually explicit photograph, digitized sexually explicit material, or other visual recording of a person in which the person is identifiable from the specified media.
- c) Indicates that "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or sanctioned activities by the educational institution.
- d) "Cyber stalking" means stalking by means of an electronic communication device.
- e) "Depicted individual" means an individual who is portrayed in sexually explicit material.
- f) "Digitization" means a process by which any of the following are realistically depicted: i) the nude body parts of another human being as the nude body parts of the depicted individual, ii) computer-generated nude body parts as the nude body parts of the depicted individual, and iii) the depicted individual engaging in sexual conduct in which the depicted individual did not engage.
- g) "Digitized sexually explicit material" means any portion of a visual or audiovisual work created or substantially altered through digitization,

including an image, that shows the depicted individual in the nude or appearing to engage in, or being subjected to, sexual conduct.

- h) “Doxing” means an act when a person—with intent to place another person or their immediate family in reasonable fear for their safety, by means of an electronic communication device, and without written consent of the other person, and, for the purpose of imminently causing that other person unwanted physical contact, injury, or harassment by a third party—electronically distributes as specified personal identifying information, including, but not limited to, a digital image of another person, or an electronic message of a harassing nature about another person, that would be likely to incite or produce that unwanted physical contact, injury, or harassment by a third party.
- i) “Electronic act” means the creation or transmission by means of an electronic device of any of the following: i) a message, text, sound, video, or image; ii) a post on a social network platform, including, but not limited to, posting to or creating a burn page for the purpose of cyber sexual bullying, as specified; creating a credible impersonation of another person for the purpose of cyber sexual bullying, as specified; and an act of technology-facilitated sexual harassment.
- j) “Sextortion” means a threat to use sexual or intimate images or videos, however obtained, to compel another person to produce sexual or intimate images or videos, engage in sexual acts, or provide anything of value.
- k) “Sexual conduct” means any of the following: i) masturbation; ii) sexual intercourse; 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; and v) sadomasochistic abuse involving the depicted individual.
- l) Expands the definition of “sexual exploitation” by adding that it includes:
 - i) The creation, generation, or distribution of digitized sexually explicit materials without the distinct and separate written consent of the depicted individual or individuals for each such act.

- ii) The creation or generation of digitized sexually explicit material of another person's sexual activity or intimate parts, without that person's written consent.
 - iii) The distribution of digitized sexually explicit material of another person's sexual activity or intimate parts, if the individual distributing the digitized sexually explicit material knows or should have known that the person depicted in the digitized sexually explicit material did not provide written consent to the disclosure.
 - m) Expands the definition of "sexual harassment" by adding that it includes technology-facilitated sexual harassment, including, but not limited to, cyber sexual bullying, cyber stalking, sextortion, and doxing.
 - n) "Technology-facilitated sexual harassment" means sexual harassment that occurs on, or is facilitated by, digital platforms or digital technologies, and it includes, but is not limited to, cyber sexual bullying, cyber stalking, sextortion, and doxing.
 - o) "Written consent" means an agreement written in plain language signed knowingly and voluntarily by the depicted individual that includes a general description of the digitized sexually explicit material and the visual or audiovisual work in which it will be incorporated.
 - p) Permits a depicted individual to rescind consent by delivering written notice within three business days from the date consent was given to the person in whose favor consent was made, unless one of the following requirements is satisfied: i) the depicted individual is given at least 72 hours to review the terms of the agreement before signing the agreement, or ii) the depicted individual's authorized representative provides written approval of the signed agreement.
- 2) Provides updated definitions of sexual harassment and sexual violence, as appropriate, for the following:
- a) Requiring the governing board of CCDs and Trustees of the CSU, and requesting of the Regents of the UC and governing boards of independent colleges and universities, that applicants to disclose if they have committed sexual harassment.

- b) Requiring the governing board of CCDs and Trustees of the CSU, and requesting of the UC, to provide educational and preventive information about sexual violence to students at all campuses of their respective segments and to provide annual training on sexual violence and sexual harassment.
- c) Requiring CCC and CSU campuses, and requests of UC campuses, to develop policies to encourage students to report any campus crimes involving sexual violence.

Comments

- 1) *Need for the bill.* According to the author, “The definition of “sexual harassment” in California’s Education Code was developed before generative artificial intelligence tools became widely available. As a result, higher education institutions lack uniform standards for defining, investigating, and remediating technology-facilitated sexual harassment. AB 2212, the HEAR Survivors Act, updates the definition of “sexual harassment” in the Education Code to account for modern digital technologies, and requires that California’s higher education institutions adopt and publish policies addressing technology-facilitated sexual harassment. Updating these terms and policies in the Education Code promotes consistent campus responses, reduces stigma, and reinforces that digital abuse is no less serious than offline misconduct.”
- 2) *This bill expands definitions of sexual harassment and sexual exploitation.* AB 2212 intends to address sexual harassment that is aided or facilitated through the internet, smartphones, and the rise of generative artificial intelligence, including the availability of free and widespread text-to-image models that can quickly generate digital images with a written prompt.

This bill uses existing definitions from the Education Code and other Codes and consolidates them in one section under the Equity in Higher Education Act. Though many of these definitions are not new to state law or to the Education Code, this is the first time they are being considered as part of the definition of sexual harassment and sexual exploitation on college campuses.

At a high level, this bill expands the definitions of sexual harassment and sexual exploitation and requires these expanded definitions be included in a postsecondary educational institution’s annual training for students, updating and posting educational and preventive information on sexual violence, and

updating employment and hiring processes to require applicants to disclose if they have committed sexual harassment.

- a) For “sexual harassment”, AB 2212 expands the definition by adding a new type of sexual harassment called “technology-facilitated sexual harassment”, which includes, but is not limited to, “cyber sexual bullying, cyber stalking, sextortion, and doxing”.
 - i) For “cyber sexual bullying”, this is defined elsewhere in the Education Code by AB 2536 (Chau, Chapter 419, Statutes of 2016), which includes cyber sexual bullying as an act for which a pupil may be suspended or expelled from school. This bill adds cyber sexual bullying as a form of sexual harassment.
 - ii) For “cyber stalking”, the terms “stalking” and “electronic communication device” are defined in the Penal Code. This bill adds cyber stalking as a form of sexual harassment.
 - iii) For “sextortion”, this is defined elsewhere in the Education Code by AB 2932 (Joe Patterson, Chapter 118, Statutes of 2024), which requires the Instructional Quality Commission (IQC) to consider including content on sextortion in the health curriculum framework. This bill adds sextortion as a form of sexual harassment.
 - iv) For “doxing”, this is defined in the Civil Code. This bill adds doxing as a form of sexual harassment.
- b) For “sexual exploitation”, AB 2212 expands the definition by adding the creation, generation, or distribution of: i) digitized sexually explicit material of depicted individuals without written consent, and ii) digitized sexually explicit material of another person’s sexual activity or intimate parts without written consent.

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

According to the Senate Appropriations Committee:

- The UC estimates General Fund implementation costs in the mid-hundreds of thousands annually. This estimate assumes that an additional .5 FTE at each location at a cost of \$700,000 (\$75,000 x 10 campuses) would be required to support increased workload and administrative costs to manage

complex dual-track case evaluations, as compliance officers must manually vet and cross-reference every report against existing federal frameworks, expanded state statutory criteria, and campus policies. The UC also notes there would be modest one-time resource and financial impacts for staff training on new and expanded definitions, required updates to campus orientations and training modules, and actions required to ensure accessibility and appropriate translations.

- The CSU estimates one-time General Fund costs in the low hundreds of thousands of dollars for various administrative activities necessary to implement the bill's provisions, including the updating of its systemwide nondiscrimination policy to include the new definitions, and ensuring that student conduct policies regarding bullying cover what is specified in the bill. The CSU also estimates minor, ongoing costs for providing information related to bullying, harassment, and intimidation at new student orientations.
- The Chancellor's Office for the California Community Colleges estimates that the costs to community college districts would likely be minor.

SUPPORT: (Verified 8/14/26)

Survivors + Allies (source)

ACLU California Action

ASUC Sexual Violence Commission

Cal State Student Association

California Commission on the Status of Women and Girls

California Women's Law Center

Courage California

Electronic Frontier Foundation

Kapor Center Advocacy

Public Counsel

Survivors Pro Bono

TechNet

UltraViolet Action

Undergraduate Student Association Council at the University of California, Los Angeles

University of California Student Association

VALOR

Young Data Scientists League

OPPOSITION: (Verified 8/14/26)

Foundation for Individual Rights and Expression

ASSEMBLY FLOOR: 78-0, 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, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, 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, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Muratsuchi, Celeste Rodriguez

Prepared by: Michelle Nguyen / ED. / (916) 651-4105
8/17/26 10:13:55

**** **END** ****