
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 412 (Bauer-Kahan) - Generative artificial intelligence: training data: copyrighted materials

Version: June 30, 2026

Policy Vote: P., D.T., & C.P. 6 - 2, JUD.
12 - 0

Urgency: No

Mandate: No

Hearing Date: August 3, 2026

Consultant: Bob Franzoia

Bill Summary: AB 412 would require a developer of a generative artificial intelligence (GenAI) model to, among other things, document any covered materials that the developer knows were used by the developer to train the model. Developers of GenAI would be required to make available a mechanism on the developer's website allowing a rights owner to submit a request for information about the developer's use of covered materials that would allow the rights owner to provide the developer with, among other things, registration, preregistration, or index numbers and fingerprints for one or more covered materials. A rights owner may bring a civil action.

Fiscal Impact: Unknown, significant to major cost pressure to the courts to the extent there are additional civil filings for new violations created by this bill. Costs would depend on the number of violations, violations that proceed to court (if the developer cures the noticed violation within 30 days of the date upon which the developer received the notice, the violation shall be deemed cured), and the amount of court time required for each action, for example where a rights owner claims the developer failed to provide required information. 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. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts. The proposed FY 2026-07 Governor's budget would provide \$70 million General Fund support (Trial Court Trust Fund, General Fund).

Background: As noted in the Privacy, Digital Technologies and Consumer Protection Committee analysis, the use of copyrighted works in training AI models has sparked significant legal and ethical debate. GenAI can produce text, images, video, or audio that emulates the expressive works used to train it. Key concerns include whether training on copyrighted material without permission constitutes fair use or copyright infringement, particularly when models can sometimes reproduce portions of their training data. Content creators argue they should be compensated when their work is used to train commercial AI systems, while some worry that AI-generated content could compete with and displace original creative works. There are also questions about transparency – many users and creators are unaware of which copyrighted materials were included in training datasets.

Over 50 lawsuits from authors, artists, and publishers are currently testing these issues in court, seeking to establish clearer legal boundaries around AI training practices.

Proposed Law: Under the bill, the developer of a GenAI model commercially available in California must provide a mechanism through which a rightsholder can seek information about whether their materials were used to train the model. The developer must conduct an assessment and respond to the request within 30 days, provided that the rightsholder's request included the requisite information to identify their copyrighted works.

A rights owner that has complied in good faith and that has not been provided with the information as required by this bill, may bring a civil action against the developer for any of the following:

- 1) \$1,000 per violation or actual damages, whichever is greater.
- 2) Injunctive or declaratory relief.
- 3) Reasonable attorney's costs and fees.
- 4) Any other relief the court deems appropriate

Related Legislation: SB 942 (Becker) Chapter 291/2024, the California AI Transparency Act imposes obligations on "covered providers," persons that create, code, or produce a GenAI system that has over 1,000,000 monthly visitors or users and is publicly accessible within California. The bill requires such providers to make an AI detection tool available at no cost by which a person can assess whether content was created or altered by the provider's GenAI system.

AB 853 (Wicks), Chapter 674/2025 bolstered the CAIT Act by establishing similar transparency requirements on large online platforms, capture device manufacturers, and GenAI system hosting platforms.

SB 1050 (Ashby) would make it unlawful for a person, in connection with the creation or dissemination of any advertisement to use or cause to use a synthetic performer without a clear and conspicuous disclosure that the performer is synthetic. SB 1050 is pending in the Assembly Appropriations Committee.

SB 1146 (Gonzalez) requires an advertisement to include a disclosure, as applicable, when it depicts a digitally altered or generated person representing themselves to be, or "identifiably depicting" a person as, a health care provider to promote the sale of a health-related consumer product or service. SB 1146 is pending in the Assembly Appropriations Committee.