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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

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### AB 621 (Bauer-Kahan) - Deepfake pornography

**Version:** July 3, 2025

**Urgency:** No

**Hearing Date:** August 18, 2025

**Policy Vote:** JUD. 13 - 0

**Mandate:** No

**Consultant:** Liah Burnley

**Bill Summary:** AB 621 establishes causes of action related to deepfake pornography.

**Fiscal Impact:** Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate civil actions. Creating new private causes of action may lead to additional case filings that otherwise would not have been commenced and could lead to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill 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. This is a conservative estimate, 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. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. 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 and to increase the amount appropriated to backfill for trial court operations.

**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:**

- Establishes a cause of action against a person who knows, or reasonably should know, that the depicted individual was a minor when the digitized sexually explicit material was created.
- Establishes a cause of action against a person who knowingly or recklessly facilitates, aids, facilitates or recklessly aids or abets such conduct.
- Makes a person who provides a service that enables the ongoing operation of a deepfake pornography service presumed to be engaged in knowing and reckless

facilitation, aiding, or abetting, if a depicted individual or public prosecutor provides the person with evidence demonstrating sufficient to demonstrate that the person is providing services to that enable the ongoing operation of a deepfake pornography service and the person fails to take all necessary steps to stop providing services to the that enable the ongoing operation of a deepfake pornography service within 30 days of receiving that evidence. evidence, as specified.

- Defines “digitized sexually explicit material” to mean 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.
- Increases the maximum statutory damages available to a depicted individual to \$50,000 if the violation was not malicious and \$250,000 for a malicious violation and would authorize certain public attorneys to bring a civil action to enforce these provisions, as specified.

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