

PURPOSE

The purpose of this bill is to 1) make it a felony to recruit, direct, coerce or use a minor to facilitate illegal or harmful conduct toward another minor, or to harass, groom or solicit any physical harm, sexual conduct, or images of an intimate body part from another minor, as specified; and 2) expand the crime of extortion to apply to minors in cases where the minor has knowingly threatened, intimidated or coerced another minor to cause any physical harm, engage in any sexual conduct, or obtain an image of an intimate body part from another minor, as specified.

Existing law provides that a person a person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of several specified crimes related to sexual misconduct and extortion is guilty of human trafficking, as specified. (Pen. Code, § 236.1, subd. (c).)

Existing law provides that any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available to another person, a child under the age of 16 for the purpose of any lewd or lascivious act, as defined, or who causes, induces, or persuades a child under the age of 16 to engage in such an act with another person, is guilty of a felony and shall be imprisoned in the state prison for a term of three, six, or eight years, and by a fine not to exceed fifteen thousand dollars (\$15,000). (Pen. Code, § 266j.)

Existing law provides that every person who knows, should have known, or believes that another person is a minor, and who knowingly distributes, sends, causes to be sent, exhibits, or offers to distribute or exhibit by any means, including by physical delivery, telephone, electronic communication, or in person, any harmful matter that depicts a minor or minors engaging in sexual conduct, to the other person with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of the minor, and with the intent or for the purposes of engaging in sexual intercourse, sodomy, or oral copulation with the other person, or with the intent that either person touch an intimate body part of the other, is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or is guilty of a felony, punishable by imprisonment in the state prison for two, three, or five years. (Pen. Code, § 288.2, subd. (a).)

Existing law provides that for the purposes of the above provision, an intimate body part includes the sexual organ, anus, groin, or buttocks of any person, or the breasts of a female. (Pen. Code, § 288.2, subd. (d).)

Existing law provides that every person who contacts or communicates with a minor, or attempts to contact or communicate with a minor, who knows or reasonably should know that the person is a minor, with intent to commit specified sexual or violent offenses involving the minor shall be punished by imprisonment in the state prison for the term prescribed for an attempt to commit the intended offense. (Pen. Code, § 288.3, subd. (a).)

Existing law provides that for the purposes of the above crime, “contacts or communicates with” shall include direct and indirect contact or communication that may be achieved personally or by

use of an agent or agency, any print medium, any postal service, a common carrier or communication common carrier, any electronic communications system, or any telecommunications, wire, computer, or radio communications device or system. (Pen. Code, § 288.3, subd. (b).)

Existing law provides that a person is guilty of sexual exploitation of a child if that person knowingly develops, duplicates, prints, or exchanges any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, or any digitally altered or artificial-intelligence-generated matter that depicts a person under 18 years of age engaged in an act of sexual conduct, and sets forth a definition of “sexual conduct,” as provided. (Pen. Code, § 311.3, subds. (a), (c).)

Existing law provides that every person who, with knowledge that a person is a minor, or who, while in possession of any facts on the basis of which they should reasonably know that the person is a minor, hires, employs, or uses the minor to do or assist in specified acts relating to the creation and dissemination of child sexual abuse material (CSAM), shall be punished by imprisonment in the county jail for up to one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment, or by imprisonment in the state prison. (Pen. Code, § 311.4, subd. (a).)

Existing law provides that every person who, with knowledge that a person is a minor under 18 years of age, or who, while in possession of any facts on the basis of which they should reasonably know that the person is a minor under 18 years of age, knowingly promotes, employs, uses, persuades, induces, or coerces a minor under 18 years of age, or any parent or guardian of a minor under 18 years of age who is under their control who knowingly permits the minor, to engage in or assist others to engage in either posing or modeling alone or with others for purposes of preparing any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, digitally altered or artificial-intelligence-generated matter, or live performance, involving sexual conduct by a minor under 18 years of age alone or with other persons or animals, for commercial purposes, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years. (Pen. Code, § 311.4, subd. (b).)

Existing law provides that every person who, with knowledge that a person is a minor under 18 years of age, or who, while in possession of any facts on the basis of which they should reasonably know that the person is a minor under 18 years of age, knowingly promotes, employs, uses, persuades, induces, or coerces a minor under 18 years of age, or any parent or guardian of a minor under 18 years of age who is under their control who knowingly permits the minor, to engage in or assist others to engage in either posing or modeling alone or with others for purposes of preparing any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or

incorporates in any manner, any film, filmstrip, digitally altered or artificial-intelligence-generated matter, or live performance, involving sexual conduct by a minor under 18 years of age alone or with other persons or animals, is guilty of a felony. (Pen. Code, § 311.4, subd. (c).)

Existing law makes it a crime for an individual to solicit, or agree to engage in, or engage in, an act of prostitution with another person who is a minor in exchange for the individual providing compensation, money, or anything of value to the minor. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, the individual manifests an acceptance of an offer or solicitation by someone who is a minor to so engage, regardless of whether the offer or solicitation was made by a minor who also possessed the specific intent to engage in an act of prostitution. (Pen. Code, § 647, subd. (b)(3).)

Existing law provides that if the crime of solicitation or agreeing to engage in prostitution is committed by a defendant who is 18 years of age or older, the person who was solicited was a minor at the time of the offense, and the defendant knew or should have known that the person who was solicited was a minor at the time of the offense, the violation is punishable by imprisonment in a county jail for not less than two days and not more than one year, or by a fine not exceeding \$10,000, or by both that fine and imprisonment, except as provided. (Pen. Code, § 647, subd. (l)(1).)

Existing law makes it a wobbler if the crime specified above was committed by a defendant 18 years of age or older and the solicited minor was under 16 years of age at the time of the offense, or the person solicited was under 18 years of age at the time of the offense and the person solicited was caused, induced, or persuaded at the time of the solicitation to engage in a specified commercial sex act. (Pen. Code, § 647, subd (l)(2).)

Existing law makes it a crime for a person to annoy or molest a child under 18 years of age, punishable as a misdemeanor by up to 1 year in county jail, a fine of \$5,000, or both, or as a wobbler if the defendant enters a home without consent. (Pen. Code, § 647.6, subs. (a), (b).)

Existing law provides that every person 18 years of age or older who, in any voluntary manner, solicits, induces, encourages, or intimidates any minor with the intent that the minor shall commit a specified felony, shall be punished by imprisonment in county jail for a period of 3, 5, or 7 years, but if the minor is 16 years of age or older at the time of the offense, this penalty only applies when the adult is at least five years older than the minor at the time the offense is committed. (Pen. Code § 653j, subd. (a).)

Existing law provides that in no case shall the court impose a sentence pursuant to the above crime which exceeds the maximum penalty prescribed for the felony offense for which the minor was solicited, induced, encouraged, or intimidated to commit, and that whenever a sentence is imposed, the court shall consider the severity of the underlying crime as one of the circumstances in aggravation. (Pen. Code, § 653j, subs. (b), (c).)

Existing law provides that every person who, with intent to place another person in reasonable fear for his or her safety, or the safety of the other person's immediate family, by means of an electronic communication device, and without 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, publishes, e-mails, hyperlinks, or makes available for downloading, 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, which would be likely to incite or produce that unlawful action, is guilty of a misdemeanor punishable by up to one year in a county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment. (Pen. Code, § 653.2, subd. (a).)

This bill provides that any person who recruits, directs, coerces, or uses a minor to influence or facilitate illegal or harmful conduct toward another minor, or to harass, groom, or solicit any physical harm, sexual conduct, or images of an intimate body part from another minor, including through electronic means social media, in person, or by any other method, or as a conduit of communication to do any of the foregoing, is guilty of a felony, punishable by imprisonment in the state prison for two, four, or six years in addition to any other applicable penalties.

Existing law provides that extortion is the obtaining of property or other consideration from another, with his or her consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right. (Pen. Code, § 518, subd. (a).)

Existing law specifies that “fear,” as such will constitute extortion, may be induced by a threat of any of the following:

- To do an unlawful injury to the person or property of the individual threatened or of a third person.
- To accuse the individual threatened, or a relative of his or her, or a member of his or her family, of a crime.
- To expose, or to impute to him, her, or them a deformity, disgrace, or crime.
- To expose a secret affecting him, her, or them.
- To report his, her, or their immigration status or suspected immigration status. (Pen. Code, § 519.)

Existing law provides that every person who attempts, by means of any threat, such as is specified in the above provision, to extort property or other consideration from another is punishable by imprisonment in the county jail not longer than one year or in the state prison or by fine not exceeding ten thousand dollars (\$10,000), or by both such fine and imprisonment. (Pen. Code, § 524.)

Existing law defines “consideration,” for the purposes of the crime of extortion, to mean anything of value, including the sexual exploitation of a child or an image of an intimate body part, as defined. (Pen. Code, § 518, subd. (b).)

Existing law provides that the crime of extortion does not apply to a person under 18 years of age who has obtained consideration consisting of sexual conduct or an image of an intimate body part. (Pen. Code, § 518, subd. (c).)

This bill provides that the above exemption does not apply in cases where the minor has knowingly threatened, intimidated, or coerced another minor to cause any physical harm, engage in any sexual conduct, or obtain an image of an intimate body part from another minor, including an image of an intimate body part that is produced by artificial intelligence.

COMMENTS

1. Need for This Bill

According to the author:

Senate Bill 1015 closes a dangerous loophole in California law and gives law enforcement the tools they need to protect vulnerable children. Today, offenders exploit gaps in the extortion statute by manipulating minors into harming or exploiting other minors. Existing law does not provide a clear pathway to hold someone accountable for recruiting or coercing a child to act as a conduit for threats, sexual exploitation, or self-harm of another child.

As a father, nothing matters more to me than the safety of our children. Violent online predators are targeting kids on social media and gaming platforms, grooming them, coercing them into producing explicit images or engaging in self-harm, and then using that material to blackmail them into exploiting others. SB 1015 creates a felony offense for anyone who engages in that behavior, and explicitly includes sexual conduct, intimate images, and AI-generated content. SB 1015 sends a clear message: the sexual exploitation of minors will not be tolerated. By closing this loophole in existing law and strengthening protections against minors, SB 1015 takes meaningful steps to protect our children and keep our communities safe.

2. Background on Nihilistic Violence Groups and “Sextortion” of Minors

Although the digital age has conferred numerous benefits upon society, it has also been attended by the emergence of much darker elements, among which is a distinct subset of domestic terrorism known as nihilistic violence groups. These groups eschew the traditional ideological goals of many other extremist groups and instead leverage digital networks to advocate for societal collapse and violence for its own sake. According to a recent report published by the Institute for Strategic Dialogue:

While occupying parallel digital spaces and producing similar types of harm, online subcultures of nihilistic violence are distinct from ideologically motivated extremism. [...] Nihilistic violence ecosystems are decentralized, cross-platform and highly agile, leveraging mainstream and fringe platforms for grooming, propaganda and operational coordination. [...] Nihilistic violent communities produce a much broader range of harms than ideologically motivated extremist networks, spanning sexual exploitation, cybercrime and various forms of real-world targeted violence, including self-harm, animal abuse, interpersonal violence and mass casualty attacks such as school shootings. [...] Some elements of nihilistic violence subcultures are more formally organised. 764 is an organised network of online groups that engage in sextortion and violence glorification. Emerging from the Com network in 2021, it comprises a constantly shifting set of chats, groups and forums across multiple platforms. Some groups remain focused on coercing minors to produce child sexual abuse material (CSAM) and self-harm content, [though]

prominent 764 affiliates are increasingly mobilising users towards real-world violence, with four recent mass-violence plots and attacks across the US.¹

As referenced in the foregoing citation, these groups are engaged in a range of sadistic online exploitation schemes, among which are so-called “sextortion” schemes, which involve children and teens being threatened and coerced into sending sexually explicit digital images, or paying the individual to not release explicit images already in their possession. According to the FBI, in 2022, law enforcement agencies received over 7,000 reports related to online sextortion, resulting in at least 3,000 victims, some of took their own lives.² A recent public safety alert issued by the FBI describes how the scheme unfolds:

Sextortion schemes occur in online environments where young people feel most comfortable—using common social media sites, gaming sites, or video chat applications that feel familiar and safe. On these platforms, predators often use fake accounts and target minors. Through deception, sextortionists convince the young person to produce an explicit video or photo. Once predators acquire the images, they often threaten to release the compromising material unless the victim sends additional sexually explicit material. Some of these criminals demand money or gift cards to keep them from releasing the compromising material in their possession. Often, these predators demand payment through a variety of peer-to-peer payment applications. In many cases, however, sextortionists release the images even if additional material is sent or payments are made. The shame, fear, and confusion that victims feel when they are caught in this cycle often prevents them from asking for help or reporting the abuse and may drive them towards self-harm.³

With the rise of artificial intelligence and so-called “deepfake” technology, the threat of sextortion has become even more acute, allowing individuals to fall prey to such schemes even when they have not engaged in any sexual conduct or produced illicit images themselves. In one recent case, a Texas teen committed suicide after receiving a threatening text with an A.I.-generated nude photo of himself demanding he pay \$3,000 to keep it from being sent to family and friends.⁴

The author asserts that “under current law, there is no statute authorizes prosecution in cases when an adult predator uses one minor to threaten, coerce, groom, or extort another minor, especially online,” and therefore proposes this bill to address the harms being caused by nihilistic violence groups and “sextortionists” in specific instances where individuals associated with these groups recruit or coerce one minor to harm or engage in sexual conduct with another minor. The bill has two major components: a new felony seeking to prevent predators from using one minor to harm another, and an expansion to California’s existing extortion statute to apply to minors

¹ “Beyond Extremism: Platform Responses to Online Subcultures of Nihilistic Violence.” Jointly published by the *Institute for Strategic Dialogue*, the *Global Internet Forum to Counter Terrorism* and the *Global Network on Extremism and Technology*. February 2026. pp.1,9. https://gnet-research.org/wp-content/uploads/2026/02/GNET-nihilistic-violence_web.pdf

² “FBI and Partners Issue National Public Safety Alert on Sextortion Schemes.” *Federal Bureau of Investigation*. 19 January 2023. <https://www.justice.gov/usao-sdin/pr/fbi-and-partners-issue-national-public-safety-alert-sextortion-schemes>

³ *Ibid.*

⁴ “A teen died after being blackmailed with A.I.-generated nudes. His family is fighting for change.” *CBS News*. 31 May 2025. <https://www.cbsnews.com/news/sextortion-generative-ai-scam-elijah-heacock-take-it-down-act/>

when the minor has knowingly coerced another minor to physically harm, engage in sexual conduct, or obtain an image of an intimate body part from a third minor.

3. Criminal Liability for Using One Minor to Harm Another

As mentioned in the previous comment, the author argues that while “existing statutes prohibit direct adult-to-minor sexual communication and related sex offenses [...] they do not clearly prohibit the increasingly common practice of offenders who recruit or direct a child to act as the conduit for harassment, solicitation of sexual material, or threats against another child.” While it may be accurate to say that no existing single, generalized statute covers all of the various malicious conduct that the author cites as the impetus for his bill, several specific statutes do punish adult offenders for soliciting minors to commit crimes against or engage in illicit sexual conduct with other minors.

For instance, Penal Code sections 288.2 and 288.3 criminalize sending harmful material depicting sexual conduct to a minor and attempting to contact or attempt to contact a minor with the intent to commit certain sexual or violent offenses (many of which involve minors), respectively. Another provision makes it a felony for any person to cause, induce or persuade a child under 16 to engage in a “lewd or lascivious act” with another person (minor or not), while a series of statutes criminalize a range of conduct related to CSAM, including using a minor to produce or distribute CSAM and inducing or coercing a minor to assist others in engaging in CSAM.⁵ Other relevant statutes make it a crime to “annoy or molest” a minor under 18 (Penal Code Section 647.6, a misdemeanor), to solicit, induce, or intimidate any minor with the intent that the minor commit a specified felony (Penal Code Section 653j, a felony), and to use an electronic device to distribute personal identifying information (including pictures) for the purpose of causing the person injury or harassment by a third party (Penal Code Section 653.2, a misdemeanor).⁶ In addition to these crimes, prosecutors can also pursue charges under the aiding and abetting statute, which imposes liability for the underlying crime on all individuals who have “advised and encouraged its commission,” or who use a so-called “innocent agent” (referring to persons who do not have the mental capacity to possess the requisite criminal intent) as an instrument of a crime.⁷ Nevertheless, despite this multitude of relevant statutes, it is fair to say that they may not capture all instances in which a predator seeks to recruit or persuade one minor to cause another minor to hurt themselves or others, or to engage in sexual conduct.

Accordingly, the author advances this bill, which makes it a felony for any person to “recruit, direct, coerce or use a minor to influence or facilitate illegal or harmful conduct toward another minor, or to harass, groom, or solicit any physical harm, sexual conduct, or images of an intimate body part from another minor, including through electronic means, social media, in person, or by any other method, or as a conduit of communication to do any of the foregoing.” Certainly, this language captures a range of conduct where a minor might be used as a conduit by a predator to groom, cause harm to, or solicit sexual conduct or images from another minor, but it also includes an abundance of far less culpable conduct that should arguably not constitute a crime, much less a felony, primarily due to the fact that the bill leaves many terms undefined. For instance, if a father of a teenaged girl mentions to his daughter that someone who had been

⁵ Pen. Code, §§ 311 et. seq, 311.4.

⁶ These are highly simplified descriptions of these crimes, most of which have a host of elements a prosecutor must prove. These crimes are more comprehensively set forth on pages 1-4 of the analysis.

⁷ Pen. Code, § 31.

bullying her should be taught a lesson, is he “directing her” to “influence or facilitate harmful conduct toward another minor” and thus liable for a felony under this statute?

Although some of these undefined terms, such as “harass,” “solicit,” “sexual conduct,” and “intimate body part,” have definitions in existing law that could be referenced to provide some clarity, others, such as “harmful conduct,” “groom,” and “conduit of communication” have no useful existing statutory analogues, raising several questions as to the bill’s applicability. Does “harmful conduct” include emotional harm? When is a minor acting as a “conduit of communication” for the perpetrator? What conduct constitutes grooming to trigger liability under the bill? The author and Committee should strongly consider defining the aforementioned terms that have clear statutory analogues, and either defining, replacing or removing terms that do not, as allowing them to remain in the statute could raise constitutional due process concerns.⁸

Another issue raised by this provision of the bill is its applicability to “any person,” which includes persons under 18. Coupled with the ambiguous terms discussed above, the provision’s applicability to minors criminalizes conduct that many would describe as mere bullying (or cyberbullying), which, while harmful, is not as culpable as the same conduct carried out by a person in their 20s against a young teenager, for example. The author and Committee may wish to limit liability to persons 18 years or older or establish some age gap between the perpetrator and the minors involved in order for liability to attach.

4. The Crime of Extortion

The crime of extortion requires a showing that a person obtained something of value from another with consent but induced by a wrongful use of force or fear, or under color of official right, such as a public official obtaining something valuable under the pretense of their official authority.⁹ The “force or fear” must be the controlling reason that the other person consented – if another controlling reason induced the consent, the defendant is not guilty of extortion.¹⁰ California’s extortion statute defines “fear” as inducing by a threat to do unlawful injury to person or property, to accuse the individual or a specified relative of committing a crime, to “expose a deformity, disgrace or crime,” to expose a secret affecting them, or to report their immigration status.¹¹ For the purposes of this provision, a “secret” is a fact unknown to the general public or to someone who might be interested in knowing that fact, and which harms the threatened person’s reputation or other interest so greatly that they would be likely to give the defendant anything of value to prevent it from being revealed.¹²

Prior to 2017, the crime of extortion only involved the obtaining of property induced by a wrongful use of force or fear. However, that year the Legislature passed SB 500 (Leyva), Chapter 518, Statutes of 2017, which expanded the crime to include the obtaining of any “consideration,” which means anything of value. SB 500 also defined “consideration” to include sexual conduct or an image of an intimate body part.¹³ SB 500 also included an exemption to the

⁸ Certain statutes that do not define the criminal offense with sufficient specificity may be too vague to pass constitutional muster, and thereby rendered void upon a constitutional challenge, a doctrine known as “void for vagueness.” See *Cantwell v. Connecticut* (1940) 310 U.S. 296, 308.

⁹ Pen. Code, § 518, subd. (a).

¹⁰ *People v. Goodman* (1958) 159 Cal.App.2d 54, 61.

¹¹ Pen. Code, § 519.

¹² CALCRIM No. 1830. Extortion by Threat or Force. *People v. Lavine* (1931) 115 Cal.App. 289, 295.

¹³ The terms “sexual conduct” and “intimate body part” are defined in reference to other code sections: Pen. Code, §§ 311.3, subd. (b) and 647(j)(4)(C), respectively.

crime of extortion, providing that the crime does not apply to any person under the age of 18 who has obtained consideration consisting of sexual conduct or an image of an intimate body part. This bill creates an exception to this exception, allowing for a minor to be charged with extortion when they have knowingly threatened, intimidated, or coerced another minor to cause any physical harm, engage in any sexual conduct, or obtain an image of an intimate body part from another minor, including an image of an intimate body part produced by artificial intelligence. This effectively nullifies the exemption to the crime of extortion for minors who use peer intermediaries to carry out abuse. To clarify how this would work in practice, imagine that Minor A (the perpetrator) knowingly threatens, intimidates or coerces Minor B (victim 1) to engage in the aforementioned conduct (physical harm, sexual conduct, or obtaining an illicit image) from Minor C (victim 2). Under existing law, if Minor A obtains consideration consisting of sexual conduct or an image of an intimate body part as a result of this chain of interactions, they are exempt from liability. This bill removes that immunity and makes Minor A liable for the crime of extortion.

Though it does not suffer from the same degree of vagueness that the bill's other provision does, this provision does include some ambiguity that the author and Committee may wish to address. First, the provision refers to "physical harm," which is a broad term that may include bullying behavior that, while pernicious, does not rise to the level of criminal conduct. For instance, consider a situation where Minor A (the perpetrator) attempts to threaten Minor B with revealing a secret unless Minor B gives Minor C a "dead arm" or perhaps pinch Minor C's ear. Because engaging in any conduct prescribed by the bill removes the immunity provision in existing law, it no longer matters whether Minor A has obtained consideration consisting of sexual conduct or an intimate body part, Minor A is liable for criminal extortion if they receive *anything* of value, including, perhaps, any gratification associated with Minor B's harming of Minor C, or any status within a nihilistic violence group associated with completing that act. In order to avoid this ambiguity and more closely align with the existing statute regarding consideration, the Author and Committee should consider an amendment striking "physical harm" from this provision of the bill.

Another undefined term in this provision is "an image of an intimate body part that is produced by artificial intelligence." As an initial matter, "artificial intelligence" itself is undefined in the bill, but may benefit from a cross-reference to an existing definition used in Penal Code sections related to "obscene matter."¹⁴ The longer phrase – "image of an intimate body part that is produced by artificial intelligence" – is also unspecific: does the AI-body part need to be attached to a body? Does the image need to be reasonably identifiable as the extorted party (Minor B) or the secondary victim (Minor C) or does any AI-generated image of an intimate body part trigger the application of bill?

Finally, it should be noted that the existing penalty for extortion by means of any threat, which captures the conduct proscribed in this bill, is a wobbler and includes a discretionary fine of up to \$10,000. Thus, a minor charged with extortion under this bill could be charged with a misdemeanor or felony, and be subject to a considerable financial penalty. Should the penalty for an adult offender and a child offender be different?

¹⁴ See Pen. Code, § 311, subd. (b).)

5. Prior Legislation

Last year, Assemblymember Sanchez introduced AB 355, which would have provided that a threat to post, distribute, or create AI-generated images or videos of another may also induce fear sufficient to constitute extortion. This bill was held in the Assembly Appropriations Committee, and was a substantially similar bill, AB 1872, introduced by the same author a year prior.

6. Argument in Support

According to the Peace Officers Research Association of California:

SB 1015 strengthens protections for minors by establishing clear criminal penalties for individuals who recruit, direct, coerce, or use a minor to facilitate illegal or harmful conduct toward another minor. This includes conduct intended to harass, groom, or solicit sexual exploitation or physical harm. This bill addresses evolving threats facing youth, particularly in situations where minors are manipulated or used to target other minors. By clearly defining and penalizing this conduct, SB 1015 provides law enforcement with an important tool to intervene earlier and hold offenders accountable.

7. Argument in Opposition

According to California Civil Liberties Advocacy:

As currently drafted, SB 1015 raises serious concerns regarding overcriminalization, vagueness, and unintended consequences for the very population it seeks to protect.

First, the bill creates a new felony offense that applies broadly to conduct involving minors, including peer-to-peer interactions. By imposing penalties of up to six years in state prison, SB 1015 risks treating adolescent behavior—often impulsive, immature, and highly context-dependent—as equivalent to adult predatory conduct. This approach is in tension with well-established legal principles recognizing that minors possess diminished culpability and greater capacity for rehabilitation.

Second, the bill employs expansive and undefined terms such as “harmful conduct,” “harass,” and “groom.” Without clear statutory definitions, these terms may be subject to inconsistent interpretation and enforcement. This lack of precision raises due process concerns under the vagueness doctrine and may invite arbitrary or uneven application, particularly in digital contexts where communication norms are rapidly evolving.

Third, the bill expands extortion liability to minors in certain circumstances, eliminating an existing statutory safeguard. While accountability is appropriate in cases involving true coercion, the removal of this protection without a carefully tailored standard risks sweeping in a wide range of conduct that may be better addressed through the juvenile justice system, school-based interventions, or diversion programs.

SB 1015 does not clearly require specific intent for the most serious penalties, nor does it provide meaningful mechanisms to ensure proportionality when both the alleged perpetrator and victim are minors. This creates a risk of overcharging and may lead to outcomes that are inconsistent with California's rehabilitative approach to juvenile justice.

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