
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1056 **Hearing Date:** March 24, 2026
Author: Grayson
Version: February 12, 2026
Urgency: No **Fiscal:** No
Consultant: SJ

Subject: *Criminal procedure*

HISTORY

Source: Volare

Prior Legislation: AB 528 (Alanis), held in Senate Appropriations, 2025
AB 1831 (Berman), Ch. 926, Stats. of 2024
SB 926 (Wahab), Ch. 289, Stats. of 2024
SB 877 (Hollingsworth), Ch. 238, Stats. of 2003
AB 1439 (La Suer), failed passage in Assembly Public Safety, 2003
AB 204 (Baldwin), failed passage in Assembly Public Safety, 1999
Proposition 115, as approved by the voters on June 5, 1990

Support: Arcadia Police Officers' Association; Brea Police Association; Burbank Police Officers' Association; California Association of School Police Chiefs; California Coalition of School Safety Professionals; California District Attorneys Association; California Narcotic Officers' Association; California Reserve Peace Officers Association; Claremont Police Officers Association; Corona Police Officers Association; Culver City Police Officers' Association; Fullerton Police Officers' Association; Los Angeles School Police Management Association; Los Angeles School Police Officers Association; Murrieta Police Officers' Association; Newport Beach Police Association; Palos Verdes Police Officers Association; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association; Volare

Opposition: ACLU California Action; California Public Defenders Association

PURPOSE

The purpose of this bill is to require the court to issue a protective order in a criminal case involving sexually explicit material depicting or involving an adult victim, governing the disclosure of that material with conditions sufficient to prevent unnecessary copying, transmission, or dissemination of the material; to prohibit an attorney from disclosing to a defendant or anyone else, copies of sexually explicit material depicting or involving an adult victim unless specifically permitted to do so by the court after a hearing and a showing of good cause; and to authorize an attorney to disclose copies of evidence of sexually explicit material

depicting or involving an adult victim to individuals employed by the attorney or to persons appointed by the court to assist in the preparation of a defendant's case only in accordance with the terms of the protective order issued by the court if that disclosure is required for that preparation.

Existing law provides that “[n]o state shall ... deprive any person of life, liberty, or property, without due process of law.” (U.S. Const., 14th Amend.)

Existing law provides that “[a] person may not be deprived of life, liberty, or property without due process of law.” (Cal. Const., art. I, § 7, subd. (a).)

Existing law provides that “[i]n criminal cases the rights of a defendant to equal protection of the laws, to due process of law, to the assistance of counsel, to be personally present with counsel, to a speedy and public trial, to compel the attendance of witnesses, to confront the witnesses against him or her, to be free from unreasonable searches and seizures, to privacy, to not be compelled to be a witness against himself or herself, to not be placed twice in jeopardy for the same offense, and to not suffer the imposition of cruel or unusual punishment, shall be construed by the courts of this State in a manner consistent with the Constitution of the United States. This Constitution shall not be construed by the courts to afford greater rights to criminal defendants than those afforded by the Constitution of the United States ...” (Cal. Const., art. I, § 24.)

Existing law requires that the state’s discovery rules be interpreted to give effect to all the following purposes:

- To promote the ascertainment of truth in trials by requiring timely pretrial discovery.
- To save court time by requiring that discovery be conducted informally between and among the parties before judicial enforcement is requested.
- To save court time in trial and avoid the necessity for frequent interruptions and postponements.
- To protect victims and witnesses from danger, harassment, and undue delay of the proceedings.
- To provide that no discovery shall occur in criminal cases except as provided, other express statutory provisions, or as mandated by the Constitution of the United States. (Pen. Code, § 1054.)

Existing law requires the prosecuting attorney to disclose to the defendant or his or her attorney specified materials and information, if it is in the possession of the prosecuting attorney or if the prosecuting attorney knows it to be in the possession of the investigating agencies, such as the names of persons the prosecutor intends to call as witnesses at trial, all relevant real evidence seized or obtained as a part of the investigation of the offenses charged, any exculpatory evidence, and relevant written or recorded statements of witnesses or reports of the statements of witnesses whom the prosecutor intends to call at the trial, among other things. (Pen. Code, § 1054.1.)

Existing law generally prohibits an attorney from disclosing or permitting to be disclosed to a defendant, members of the defendant’s family, or anyone else, the personal identifying information of a victim or witness whose name is disclosed to the attorney by the prosecution, other than the name of the victim or witness, unless specifically permitted to do so by the court after a hearing and a showing of good cause. (Pen. Code, § 1054.2, subd. (a)(1).)

Existing law requires the court, if the defendant is acting as their own attorney, to endeavor to protect the personal identifying information of a victim or witness by providing for contact only through a private investigator licensed by the Department of Consumer Affairs and appointed by the court or by imposing other reasonable restrictions, absent a showing of good cause as determined by the court. (Pen. Code, § 1054.2, subd. (b).)

Existing law prohibits an order requiring discovery to be made in criminal cases except as provided in the discovery rules. Requires that the discovery rules be the only means by which the defendant may compel the disclosure or production of information from prosecuting attorneys, law enforcement agencies which investigated or prepared the case against the defendant, or any other persons or agencies which the prosecuting attorney or investigating agency may have employed to assist them in performing their duties. (Pen. Code, § 1054.5, subd. (a).)

Existing law requires before a party may seek court enforcement of any of the disclosures required by law, that the party make an informal request of opposing counsel for the desired materials and information. Authorizes the party to seek a court order if opposing counsel fails to provide the materials and information requested within 15 days. (Pen. Code, § 1054.5, subd. (b).)

Existing law authorizes a court, upon a showing that a party has not complied with its duty to disclose under the discovery rules and upon a showing that the moving party complied with the informal discovery procedure, to make any order necessary, including, but not limited to, immediate disclosure, contempt proceedings, delaying or prohibiting the testimony of a witness or the presentation of real evidence, continuance of the matter, or any other lawful order. (Pen. Code, § 1054.5, subd. (b).)

Existing law provides that the required disclosures be made at least 30 days prior to the trial, unless good cause is shown why a disclosure should be denied, restricted, or deferred. Requires disclosure to be made immediately if the material and information becomes known to, or comes into the possession of, a party within 30 days of trial, unless good cause is shown why a disclosure should be denied, restricted, or deferred. (Pen. Code, § 1054.7.)

Existing law defines “good cause” for purposes of the discovery rules as threats or possible danger to the safety of a victim or witness, possible loss or destruction of evidence, or possible compromise of other investigations by law enforcement. (Pen. Code, § 1054.7.)

Existing law prohibits any prosecuting attorney, attorney for the defendant, or investigator for either the prosecution or the defendant from interviewing, questioning, or speaking to a victim or witness whose name has been disclosed by the opposing party pursuant to the discovery rules without first clearly identifying themselves, identifying the full name of the agency by whom they are employed, and identifying whether they represent or have been retained by, the prosecution or the defendant. (Pen. Code, § 1054.8, subd. (a).)

Existing law prohibits any attorney from disclosing or permitting to be disclosed to a defendant, members of the defendant’s family, or anyone else copies of child pornography evidence, unless specifically permitted to do so by the court after a hearing and a showing of good cause. (Pen. Code, § 1054.10, subd. (a).)

Existing law provides that an attorney may disclose or permit to be disclosed copies of child pornography evidence to persons employed by the attorney or to persons appointed by the court to assist in the preparation of a defendant's case if that disclosure is required for that preparation. Persons provided this material by an attorney shall be informed by the attorney that further dissemination of the material is prohibited. (Pen. Code, § 1054.10, subd. (b).)

This bill requires the court to issue, in a criminal case involving sexually explicit material depicting or involving an adult victim, upon motion or on its own motion, a protective order governing the disclosure of that material, with conditions sufficient to prevent unnecessary copying, transmission, or dissemination of the material.

This bill prohibits an attorney from disclosing or permitting to be disclosed to a defendant, members of the defendant's family, or anyone else copies of sexually explicit material depicting or involving an adult victim, unless specifically permitted to do so by the court after a hearing and a showing of good cause.

This bill authorizes an attorney to disclose or permit to be disclosed copies of evidence of sexually explicit material depicting or involving an adult victim to persons employed by the attorney or to persons appointed by the court to assist in the preparation of a defendant's case only in accordance with the terms of a protective order issued by the court if that disclosure is required for that preparation. Requires that persons provided this material by an attorney to be informed by the attorney that further dissemination of the material, except as provided within the provisions of this bill or by court order, is prohibited.

This bill provides that its provisions do not relieve the prosecution from the duty to disclose the existence of any relevant or exculpatory evidence.

This bill provides that its provisions are not intended to affect the admissibility of any relevant evidence in any court proceeding.

COMMENTS

1. Need For This Bill

According to the author:

California law mandates strong court oversight over the handling of highly sensitive child sexual abuse material. Under Penal Code Section 1054.10, courts, not individual attorneys, control the copying and dissemination of such material, and disclosure is tightly regulated. While child sexual abuse material is appropriately subject to explicit statutory safeguards, no parallel provision expressly requires similar court supervision when the material depicts or involves adult victims. As a result, safeguards may depend on prosecutorial discretion rather than consistent judicial oversight. Further, survivors of sexual violence and privacy-based crimes may face a heightened risk of unnecessary copying, transmission, or dissemination of deeply personal material. This inconsistency undermines survivor privacy and public confidence in the justice system. SB 1056 extends a proven statutory framework currently applied to child sexual abuse

material to similarly sensitive material involving adult survivors, while preserving defendants' rights to reasonable access necessary to prepare a defense.

2. Prosecutorial Duties to Disclose Evidence

The prosecution is required to disclose to the defense all relevant real evidence seized or obtained as part of the investigation of the charged offenses, if the prosecution possesses it or knows that an investigating agency possesses it. (Pen. Code, § 1054.1; see *In re Brown* (1998) 17 Cal.4th 873; *In re Littlefield* (1993) 5 Cal.4th 122, 135.) If evidence in the prosecution's possession is not disclosed following an informal request, the defense must seek access of the evidence through a motion. (*Walters v. Superior Court* (2000) 80 Cal.App.4th 1074, 1079.)

Independent of the statutory scheme, the prosecution has a duty under the U.S. Constitution to disclose both favorable and unfavorable evidence to the defense. (*Brady v. Maryland* (1963) 373 U.S. 83; *Izazaga v. Superior Court* (1991) 54 Cal.3d 356, 378.) Penal Code Section 1054.1 codifies the prosecutor's *Brady* obligation. The U.S. Supreme Court has held that, at least as far as due process is concerned, discovery should "insure" the defendant has "ample opportunity to investigate certain facts crucial to the determination of guilt or innocence." (*Williams v. Florida* (1970) 399 U.S. 78, 82; *Wardius v. Oregon* (1973) 412 U.S. 470, 474.)

3. Disclosure of Evidence in Child Pornography Cases

Penal Code section 1054.10 generally prohibits an attorney from disclosing child pornography evidence unless the court expressly permits an attorney to do and only upon a showing of good cause. (Pen. Code, § 1054.10, subd. (a).) However, an attorney may disclose child pornography evidence to a person employed by the attorney in a case or to a person appointed by the court to assist in preparation of the defendant's case if the copies are required for preparation. (Pen. Code, § 1054.10, subd. (b).)

Before 2003, child pornography evidence was handled pursuant to the criminal discovery statutes and certain restrictions in laws prohibiting disseminating child pornography. In cases where the defendant was charged with possession and/or distribution of child pornography, prior to 2003, the court could order any material to be destroyed after the defendant is convicted. (Pen. Code, § 312.) Finally, the court could always issue a protective order to prevent dissemination of highly sensitive material and order any material sealed. (Pen. Code, § 1054.5, subds. (a), (b).)

However, the Court of Appeals in *Westerfield v. Superior Court (People)* (2002) 99 Cal.App.4th 994, ruled a defendant charged with kidnapping, sexual assault, and homicide be provided copies of obscene images located during a search of his home prior to his arrest.¹ The trial court denied his request, and he appealed. The Court of Appeals ruled the defendant was entitled to copies of the images for purposes of preparing his defense. (*Westerfield, supra*, 99 Cal.App.4th at 998 ["[T]o the extent there is any genuine concern about the disposition of the material provided to the defense, the court can issue a protective order limiting disclosure to counsel and their agents or order the return of the images to the court for destruction at the conclusion of the case under section 312."].) In response, the Legislature enacted Penal Code section 1054.10 in 2003.

¹ In 2002, David Allen Westerfield was tried and convicted of kidnapping, sexually assaulting, and killing seven-year-old Danielle van Dam. This case caused mass outrage and concern for the state of the law regarding child sex offenders. (See Gotredson, *Twenty years since the kidnapping & murder of Danielle van Dam* <<https://www.cbs8.com/article/news/crime/twenty-years-since-kidnapping-murder-danielle-van-dam/509-d43a61fd-7d9e-44e0-aab2-a4a2fc2d4558>>.)

4. Disclosure of Evidence in Cases with Adult Victims

In the absence of specialized rules for particular types of cases, the discovery rules in Penal Code section 1054.1 apply. Penal Code section 1054.1 generally provides that the prosecuting attorney must disclose to the defendant or the defendant's attorney: 1) the names and addresses of persons the prosecutor intends to call as witnesses at trial; 2) statements of all defendants; 3) all relevant real evidence seized or obtained as a part of the investigation of the offenses charged; 4) the existence of a felony conviction of any material witness whose credibility is likely to be critical to the outcome of the trial; 5) any exculpatory evidence; and 6) relevant written or recorded statements of witnesses or reports of the statements of witnesses whom the prosecutor intends to call at the trial, including any reports or statements of experts made in conjunction with the case, including the results of physical or mental examinations, scientific tests, experiments, or comparisons which the prosecutor intends to offer in evidence at the trial.

The proponents of this bill argue that the protections codified in Penal Code section 1054.11 should be extended to apply in cases in which there is "sexually explicit material depicting or involving an adult victim." They indicate that the case of Denise Huskins served as the impetus for the bill's introduction. In 2015, Matthew Muller broke into the Vallejo home of Aaron Quinn and Denise Huskins. (Buchanan, *'American Nightmare' rapist pleads guilty to additional charges* (Jun. 20, 2025) <<https://www.latimes.com/california/story/2025-06-20/american-nightmare-rapist-pleads-guilty-to-additional-charges>>.) Mueller drugged and bound the couple, kidnapped Ms. Huskins and held her for three days in his family's cabin in South Lake Tahoe. (*Id.*) Muller sexually assaulted Ms. Huskins until he eventually released her in Huntington Beach. (*Id.*) The case gained notoriety, in part, because the Vallejo Police Department initially called the reported crimes a hoax. (Woodrow, *Convicted Vallejo kidnapper Matthew Muller will stand trial on rape charges* (Feb. 13, 2019) <<https://abc7news.com/post/convicted-vallejo-kidnapper-will-stand-trial-on-rape-charges/5136779/>>.) The case was also notable because Mueller represented himself in court. (*Id.*)

This bill proposes to make several changes to existing law related to the disclosure of evidence in a criminal case involving sexually explicit material depicting or involving an adult victim. Specifically, this bill requires the court to issue a protective order governing the disclosure of material involving sexually explicit material, upon motion or on its own motion. This bill explicitly states that the protective order must have conditions sufficient to prevent unnecessary copying, transmission, or dissemination of the material.

This bill additionally prohibits an attorney from disclosing or permitting to be disclosed to a defendant, members of the defendant's family, or anyone else copies of sexually explicit material depicting or involving an adult victim, unless specifically permitted to do so by the court after a hearing and a showing of good cause. However, this bill authorizes an attorney to disclose or permit to be disclosed copies of evidence of sexually explicit material depicting or involving an adult victim to persons employed by the attorney or to persons appointed by the court to assist in the preparation of a defendant's case only in accordance with the terms of a protective order issued by the court if that disclosure is required for that preparation.

Finally, this bill provides that its provisions do not relieve the prosecution from the duty to disclose the existence of any relevant or exculpatory evidence, and that its provisions are not intended to affect the admissibility of any relevant evidence in any court proceeding.

This bill raises a number of questions that the author and Committee may wish to consider. First, this bill applies to “a criminal case involving sexually explicit material depicting or involving an adult victim.” As drafted, this language is fairly broad and is not limited to specific types of cases (e.g., sex offenses, kidnapping with intent to commit rape, invasion of privacy as defined in Penal Code section 647(j), etc.). Should the types of crimes that this bill applies to be limited? Additionally, it is not clear what is meant by “sexually explicit material involving an adult victim.” The bill includes the word “depicting an adult victim” so presumably “involving” is intended to mean something else.

Next, this bill is modeled after Penal Code section 1054.11 but includes a provision that is not present in current law. Specifically, this bill explicitly requires the court to issue, upon a motion, in a criminal case involving sexually explicit material depicting or involving an adult victim, a protective order governing the disclosure of that material. Should there be a protective order issued at the outset? Should this bill be limited to replicating the provisions in existing law?

The opposition points out that there is an inherent difference between Penal Code section 1054.10 and this proposal. Section 1054.10 applies to child pornography which is illegal to own, possess, manufacture, or distribute. This bill applies to sexually explicit material; however, that material is not necessarily illegal to own, possess, or manufacture in the same way. In other words, as drafted, this bill is broader in scope than Section 1054.10 because the circumstances surrounding the creation, recording, sharing, etc. of the sexually explicit material do not necessarily have had to occur under unlawful conditions whereas that is not the case with child pornography, which always occurs under unlawful conditions.

5. Argument in Support

The California District Attorneys Association writes:

The bill creates Penal Code section 1054.11, requiring courts to issue a protective order governing the disclosure of sexually explicit material depicting an adult victim in a criminal case. The order is intended to prevent unnecessary copying or distribution of such material, while preserving the prosecutor’s obligation to disclose relevant and exculpatory evidence. Under the bill, attorneys may not disclose the material to a defendant or others absent court authorization upon a showing of good cause, but may share it with employees or court-appointed experts assisting in the defense in compliance with the protective order.

SB 1056 merits support because it advances the critical goal of protecting the privacy and dignity of adult victims while maintaining the integrity of the criminal discovery process. The bill is similar to existing Penal Code section 1054.10, which appropriately restricts the duplication and dissemination of child pornography evidence, ensuring such material is not further circulated absent judicial oversight. By extending similar procedural safeguards to sexually explicit material depicting adult victims, SB 1056 recognizes that adult victims of sexual assault and image-based sexual abuse face comparable risks of secondary victimization if intimate material is unnecessarily copied or distributed.

Victims of sexual assault and crimes such as nonconsensual distribution of intimate images (Pen. Code, § 647(j)(4)(A)) and invasive recordings (Pen. Code, § 647(j)(1)–(3)) often experience profound trauma and fear that the very evidence

needed to prosecute the offense will be further disseminated. Limiting reproduction and distribution of these materials reduces the likelihood of additional harm, embarrassment, or intimidation, while reinforcing the justice system's commitment to victim protection.

The measure also establishes a clear, uniform rule requiring protective orders in these circumstances, promoting statewide consistency and predictability in discovery practices. A standardized approach benefits courts, prosecutors, and defense counsel by clarifying expectations and reducing unnecessary litigation over handling procedures for highly sensitive evidence.

Importantly, SB 1056 does not alter a prosecutor's constitutional or statutory discovery obligations, nor does it impede the defense's ability to prepare its case. Attorneys remain authorized to review the material and to share it with employees or court-appointed experts as necessary for case preparation, subject to the protective order's terms. By requiring judicial authorization and a showing of good cause before broader disclosure, the bill strikes an appropriate balance between due process rights and the compelling interest in safeguarding victim privacy.

6. Argument in Opposition

According to the California Public Defenders Association:

[W]e must oppose Senate Bill 1056 (SB 1056) ... unless it amended to appropriately balance the defendant's due process right to see the evidence against them with an individual's privacy concerns.

We have been in discussions with the author's office and offered an amendment which we believe balanced those interests.

Existing law requires a prosecuting attorney to provide the defendant or their attorney with all relevant items seized or obtained as part of an investigation of charged offenses that the prosecutor or law enforcement possess. SB 1056 would limit the requirement that a prosecutor provide any discovery that constitutes adult pornography involving a victim of a crime to the defense by requiring the prosecution or the defense to obtain a protective order from the court before the defense can receive the discovery, regardless of the type of criminal case or whether the victim voluntarily made and distributes or sells the adult pornography.

The motivation for this bill, according to the author's office, is a single incident involving a defendant who represented himself and who had a paralegal assisting them on their criminal case. The paralegal received and retained as discovery copies of video made by the defendant depicting the sexual assault of the victim in the case. *The paralegal in the case did not unnecessarily copy, transmit, or disseminate the video they received in the case.*

This single case was highly unusual in a variety of ways. Very few defendants represent themselves in cases; ninety-nine percent or more of defendants are represented by attorneys. Although the case involved video of the victim in the case being sexually assaulted, the proposed bill does not limit itself to requiring protective orders for videos depicting the sexual assault of a victim in a case. It instead requires a protective order for adult pornography involving a victim of any type of criminal case even if the victim voluntarily made the pornography. This bill would require a protective order for a person who stole commercially sold adult pornography from the person who made the adult pornography.

Although SB 1056 is motivated by a single case in which the prosecution provided discovery to the defense team as required by law and it did not result in any unnecessary copying or transmission of the evidence, this bill would violate a defendant's right to due process under both the federal and state constitutions. Due process requires that both the defendant and the State have ample opportunity to investigate the facts crucial to the determination of guilt or innocence. (*Wardius v. Oregon*, (1973) 412 U.S. 470; *People v. Gonzalez* (2006) 38 Cal.4th 932.) This bill would potentially dramatically impede a defendant or their counsel's ability to review the evidence in any criminal prosecution that in any way involved adult pornography depicting the victim.

Further, SB 1056 effectively repeals existing California law enacted by Proposition 115, a voter initiative. California Penal Code section 1054.1 was enacted by Proposition 115. California Penal Code section 1054.1(e) requires the prosecution to provide to the defense all evidence seized or obtained as part of the investigation into the offenses charged. Proposition 115 only allows for amendments to its provisions by the Legislature with a two-thirds vote of the membership of each house.

SB 1056 is modeled on Penal Code section 1054.10, which requires protective orders to prevent unnecessary copying, transmission, or dissemination of child pornography. However, the possession, copying, dissemination or transmission of child pornography is *illegal*. Adult pornography is legal. A bill limiting the relevant disclosure of legal material to the defense as required by state and federal law and the state and federal constitutions will not pass constitutional scrutiny.

-- END --