

Date of Hearing: June 30, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 1056 (Grayson) – As Amended June 24, 2026

SUMMARY: Requires a court to issue a protective order governing the disclosure of sexually explicit material of an adult victim (SEMAV), as specified, in any case where a defendant is being prosecuted for a serious felony, as specified, that is required to register as a sex offender, or any case pertaining to specified offenses involving distributing intimate images of another person without consent. Specifically, **this bill**:

- 1) Mandates a court issue, upon a noticed motion of either the prosecutor or the defense attorney, or on its own motion with notice and a meaningful opportunity to be heard by both parties, a protective order governing the disclosure of SEMAV by any party, with conditions sufficient to do all of the following:
 - a) Safeguard the adult victim’s privacy.
 - b) Prevent unnecessary copying, transmission, or dissemination of the material.
 - c) Ensure the defendant’s right to a fair trial and a meaningful opportunity to participate in their own defense.
- 2) Mandates, if a defendant is representing themselves, that the court consider whether the protective order should include a requirement that the material be viewed at the courthouse or in a secured location. In any case, the defendant shall not retain a copy of the material after the case has ended.
- 3) States if the court issues a protective order, the parties are prohibited from disclosing to any person copies of SEMA, unless specifically permitted to do so by the terms of the protective order.
- 4) Authorizes an attorney for any party to disclose SEMAV, subject to the protective order, to any person necessary for the preparation of the case, including the defendant.
- 5) Specifies that the provisions of this bill do not relieve the prosecution from the duty to disclose the existence of any relevant or exculpatory evidence.
- 6) States that this bill is not intended to affect the admissibility of any relevant evidence in any court proceeding.

EXISTING LAW:

- 1) Requires that the state's discovery rules be interpreted to give effect to all the following purposes:
 - a) To promote the ascertainment of truth in trials by requiring timely pretrial discovery.
 - b) To save court time by requiring that discovery be conducted informally between and among the parties before judicial enforcement is requested.
 - c) To save court time in trial and avoid the necessity for frequent interruptions and postponements.
 - d) To protect victims and witnesses from danger, harassment, and undue delay of the proceedings.
 - e) 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.)
- 2) 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.)
- 3) 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).)
- 4) 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).)
- 5) States no order requiring discovery shall be made in criminal cases except as provided in the discovery rules. The discovery rules shall 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).)
- 6) Defines the following offenses as "serious" felonies:

- a) Murder or voluntary manslaughter;
- b) Mayhem;
- c) Rape;
- d) Sodomy by force, violence, duress, menace, or threat or fear of bodily injury;
- e) Oral copulation by force, violence, duress, menace or threat or fear of bodily injury;
- f) Lewd act with child under fourteen years of age;
- g) Any felony punishable by death or life imprisonment;
- h) Any felony in which defendant personally inflicts great bodily injury on any person other than an accomplice or personally uses a firearm;
- i) Attempted murder;
- j) Assault with intent to commit rape or robbery;
- k) Assault with a deadly weapon or instrument on a peace officer;
- l) Assault by a life prisoner on a non-inmate;
- m) Assault with a deadly weapon by an inmate;
- n) Arson;
- o) Exploding a destructive device or any explosive with intent to injure;
- p) Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
- q) Exploding a destructive device or any explosive with intent to murder;
- r) Burglary of an inhabited dwelling;
- s) Robbery or bank robbery;
- t) Kidnapping;
- u) Holding a hostage by an inmate;
- v) Attempt to commit a crime punishable by life imprisonment or death;
- w) Any felony where defendant personally used a dangerous or deadly weapon;

- x) Selling, furnishing, administering, giving, heroin, cocaine, PCP, or methamphetamine to a minor;
 - y) Forcible penetration with a foreign object;
 - z) Grand theft involving a firearm;
 - aa) Any gang-related felony;
 - bb) Assault with the intent to commit mayhem or specified sex offenses;
 - cc) Maliciously throwing acid or flammable substances;
 - dd) Witness intimidation;
 - ee) Assault with a deadly weapon or firearm or assault on a peace officer or firefighter;
 - ff) Assault with a deadly weapon on a public transit employee;
 - gg) Criminal threats;
 - hh) Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft;
 - ii) Commission of rape or sexual penetration in concert;
 - jj) Continuous sexual abuse of a child;
 - kk) Shooting from a vehicle;
 - ll) Any attempt to commit a “serious” felony other than assault;
 - mm) Any violation of the 10 years, 20 years, 25 years to life gun law;
 - nn) Possession or use of any weapon of mass destruction;
 - oo) Sex trafficking of a minor except where the person committing the offense was a victim of human trafficking at the time of the offense; and,
 - pp) Any conspiracy to commit a “serious” felony. (Pen. Code, § 1192.7, subd. (c).)
- 7) Provides that disclosures required under the discovery statute shall be made at least 30 days prior to the trial, unless good cause is shown why a disclosure should be denied, restricted, or deferred. If the material and information becomes known to, or comes into the possession of, a party within 30 days of trial, disclosure shall be made immediately, unless good cause is shown why a disclosure should be denied, restricted, or deferred. (Pen. Code, § 1054.7.)
- 8) 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.)

- 9) 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. If the interview takes place in person, the party shall also show the victim or witness a business card, official badge, or other form of official identification before commencing the interview or questioning. (Pen. Code, § 1054.8, subd. (a).)
- 10) Makes it a misdemeanor to look through a hole or opening, into, or otherwise view, by means of any instrumentality, including, but not limited to, a camera, motion picture camera, camcorder, mobile phone, electronic device, or unmanned aircraft system, the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside. (Pen. Code, § 647, subd. (j)(1).)
- 11) Makes it a misdemeanor to use a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, another identifiable person under or through the clothing being worn by that other person, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to arouse, appeal to, or gratify the lust, passions, or sexual desires of that person and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy. (Pen. Code, § 647, subd. (j)(2).)
- 12) Makes it a misdemeanor to use a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, another identifiable person who may be in a state of full or partial undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, in the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which that other person has a reasonable expectation of privacy, with the intent to invade the privacy of that other person. (Pen. Code, § 647, subd. (j)(3).)
- 13) Makes it a misdemeanor to intentionally distribute an image of another identifiable person's intimate body parts or depicting the person engaged in one of several specified sex acts, under circumstances in which the persons agree or understand that the image shall remain private, when the person distributing the image knows, or should know, that its distribution will cause serious emotional distress, and where the person depicted suffers that distress. (Pen. Code, § 647, subd. (j)(4)(A).)
- 14) Provides that a person intentionally distributes an image when that person distributes the image or arranges, specifically requests, or intentionally causes another person to distribute that image. (Pen. Code, § 647, subd. (j)(4)(B).)

- 15) Defines “intimate body part” as any portion of the genitals, the anus, and in the case of a female, also includes any portion of the breasts below the top of the areola that is either uncovered or clearly visible through clothing. (Pen. Code, § 647, subd. (j)(4)(C).)
- 16) States that the invasion of privacy provisions do not preclude punishment under any section of law providing for greater punishment. (Pen. Code, § 647, subd. (j)(5).)

FISCAL EFFECT: Unknown.

COMMENTS:

- 1) **Sponsor:** Volare
- 2) **Author's Statement:** 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.”

- 3) **Criminal Discovery:** In 1963, the U.S. Supreme Court held that the constitutional principle of due process requires prosecutors to ensure the defense receives all evidence that is both favorable to the accused and material to their guilt or punishment. (*Brady v. Maryland* (hereafter *Brady*) (1963) 373 U.S. 831 87-88; *U.S. v. Bagley* (hereafter *Bagley*) (1985) 473 U.S. 667, 674-675.) For evidence to be considered favorable, it must help the defendant or hurt the prosecution, such as by impeaching the prosecutor’s witness. (*In re Miranda* (2008) 43 Cal.4th 541, 575.) For evidence to be material, there must be a reasonable probability that disclosure of the evidence would have led to a different outcome in a proceeding. (*Turner v. U.S.* (2007) 137 S.Ct. 1885, 1893.) This duty imposed upon the prosecutor applies whether or not a defendant requests the evidence, and whether or not the prosecutor intentionally or inadvertently did not disclose the evidence. (*Brady, supra*, 373 U.S. at p. 87-88.) Such evidence is generally referred to as *Brady* evidence and failure to turn it over will result in a verdict being overturned. (*People v. Uribe* (2008) 162 Cal.App.4th 1457, 1482-83.)

In 1990, California voters approved Proposition 115 (hereafter Prop 115), which, among other things, established a statutory framework of reciprocal discovery whereby both the prosecution and defense are required to turn over specified information and materials such as the names and addresses of witnesses that will be called to testify at trial, any real evidence, and any exculpatory evidence. (Pen. Code, § 1054 et seq.) Generally, discovery must be

given to opposing counsel as soon as possible but no later than 15 calendar days after they are requested. (Pen. Code, § 1054.5, subd. (b).)

Additionally, regardless of a request, the law requires discovery to be given to opposing counsel at least 30 calendar days before trial, unless good cause is shown why disclosure should be denied, restricted, or deferred. (Pen. Code, § 1054.7.) Failure to disclose evidence in accordance with the framework set out in Proposition 115 may lead to court sanctions such as contempt proceedings, limiting the testimony of a witness, continuing a matter, and informing the jury of any failure or refusal to timely disclose. (Pen. Code, § 1054.5, subd. (b).) However, a court may only prohibit the testimony of a witness when all other sanctions have been exhausted, and a court can never dismiss a charge unless it is required to do so by the Constitution of the U.S. (Pen. Code, § 1054.5, subd. (c).)

Defense attorneys have a duty to shield certain information from a client or their family, including a victim’s or a witness’ personal identifying information, unless authorized by a court. (Pen. Code, § 1054.2, subd. (a)(1).) If the defendant is acting as their own attorney, the court must “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 includes the ability of prosecutors to seek a protective order for SEMAV and certainly, where the crime itself is recorded. In the case of Denise Huskins, her kidnapper recorded the sexual assaults. In any other case, a prosecutor would most certainly have moved for a protective order of any recordings, images, or voice as personal identifying information. “Personal identifying information” is defined in Penal Code section 530.55.¹ In what appears to be a terrible lapse in judgment, the prosecutor did not seek any limiting order on recorded evidence of the assaults.

The definition of “personal identifying information” includes “unique biometric data including fingerprint, facial scan identifiers, voiceprint, retina or iris image, or other unique physical representation.” This includes an image of a person. While the offender in the Huskins case acted *pro se*, that does not mean the People could not obtain a protective order for the images at issue. In this case, the prosecutor not seeking a protective order and allowing the offender to keep the digital evidence of his crimes is beyond the pale.

¹ “Personal identifying information” means any name, address, telephone number, health insurance number, taxpayer identification number, school identification number, state or federal driver’s license, or identification number, social security number, place of employment, employee identification number, professional or occupational number, mother’s maiden name, demand deposit account number, savings account number, checking account number, PIN (personal identification number) or password, United States Citizenship and Immigration Services-assigned number, government passport number, date of birth, unique biometric data including fingerprint, facial scan identifiers, voiceprint, retina or iris image, or other unique physical representation, unique electronic data including information identification number assigned to the person, address or routing code, telecommunication identifying information or access device, information contained in a birth or death certificate, or credit card number of an individual person, or an equivalent form of identification.

- 4) **Discovery Process for Child Sexual Abuse Material (CSAM):** A court in a case pertaining to CSAM is required to issue protective order. Given that many of the same discovery terms would apply, the court may look to cases on protective orders and discovery in cases involving CSAM. Penal Code section 1054.10 generally prohibits an attorney from disclosing copies of CSAM evidence unless the court expressly permits an attorney to do so, and then only upon a showing of good cause. This prohibition already prohibits a defense attorney from providing the defendant copies of child pornography unless the court gives express permission to do so. (Pen. Code, § 1054.10, subd. (a).)

However, an attorney may disclose copies of CSAM evidence to a person employed by an 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. However, while copies may be provided to a third party for purposes of assisting with the case, an attorney cannot provide copies to the defendant without a showing of good cause.

"Good cause" has several different meanings depending on the context. (See *In re Lucas* (2012) 53 Cal.4th 839, 849 ["It has long been recognized that '[t]he term 'good cause' is not susceptible of precise definition.'"].) However, in other criminal discovery matters, good cause generally means where a defendant is able to establish a "plausible factual foundation" for access to specific information. (*Warrick v. Superior Court (People)* (2005) 35 Cal.4th 1011, 1025 [defining "good cause" for obtaining peace officer personnel records pursuant to *Pitchess*].)

This bill requires, following notice and opportunity to be heard, the court to issue a protective order where there is SEMAV. The terms and circumstances of the protective order are in the court's discretion.

- 5) **Argument in Support:** According to *Volare*, the bill's sponsor, "Volare is a survivor-centered organization dedicated to advancing policies that prevent gender-based violence, strengthen protections for victims, and promote a justice system that recognizes the long-term impact of trauma. We work closely with survivors, advocates, and policymakers to identify gaps in law and policy that leave victims vulnerable to continued harm. SB 1056 directly advances that mission by addressing a critical but often overlooked issue: the handling of sexually explicit evidence involving adult victims in criminal proceedings.

"We know that the harms of sexual violence do not end when an assault is over. For many survivors, the continued existence, circulation, and exposure of sexually explicit images or videos can become an ongoing source of fear, humiliation, and trauma. When those materials become evidence in a criminal case, survivors should not have to choose between seeking justice and protecting their privacy and dignity.

"SB 1056 was inspired by the experience of Denise Huskins and Aaron Quinn, whose story exposed a troubling reality: California lacks a clear legal framework for handling sexually explicit evidence involving adult victims. While state law recognizes the extraordinary sensitivity of child sexual abuse material and provides specific safeguards governing its handling, there are no comparable standards for material depicting adult victims—even when that material constitutes evidence of sexual assault, coercion, exploitation, or other serious crimes.

“This gap has real consequences. In the absence of clear rules, courts and parties are left to navigate some of the most sensitive evidence imaginable without consistent standards governing how that material should be identified, accessed, protected, or safeguarded from unnecessary dissemination. In an era where a single image or video can be copied, transmitted, manipulated, and shared instantly and indefinitely, the consequences of getting this wrong can be devastating for victims. SB 1056 fills this gap by creating a clear procedural framework for courts to identify protected material, issue and enforce protective orders, and prevent unnecessary copying, transmission, and dissemination. The bill recognizes that sexually explicit evidence involving adult victims presents unique privacy, safety, and dignity concerns and deserves the same thoughtful judicial oversight that California has provided in other contexts involving highly sensitive material.

“Most importantly, SB 1056 affirms a simple principle: survivors should not experience additional harm because the legal system lacks clear procedures for handling evidence of their victimization. No survivor should have to fear that images or recordings documenting one of the worst moments of their life could be unnecessarily circulated in the course of seeking justice. California has long been a leader in protecting victims and responding to emerging harms. SB 1056 continues that tradition by bringing our laws into alignment with the realities of the digital age and ensuring that survivors are treated with the dignity, respect, and protection they deserve.”

- 6) **Argument in Opposition:** No longer applicable.
- 7) **Related Legislation:** AB 528 (Alanis), would have added a new standard for disclosure of child pornography evidence at trial to require any material that constitutes child pornography to remain in the care, custody, or control of either a law enforcement agency, the prosecution, or the court and only allows for child pornography to be made reasonably available for inspection. AB 528 was held on suspense file in the Senate Committee on Appropriations.
- 8) **Prior Legislation:**
 - a) AB 1831 (Berman), Chapter 926, Statutes of 2024, added to the definition of “obscene matter” and “matter,” any “matter generated through AI” as it pertains to images of persons under the age of 18 engaged in sexual conduct, as specified.
 - b) SB 926 (Wahab), Chapter 289, Statutes of 2024, created a new crime for a person to intentionally create and distribute any sexually explicit image of another identifiable person that was created in a manner that would cause a reasonable person to believe the image is an authentic image of the person depicted, under circumstances in which the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress.

REGISTERED SUPPORT / OPPOSITION:

Support

Volare (Sponsor)
Arcadia Police Officers' Association

Brea Police Association
Burbank Police Officers' Association
California Association of Licensed Investigators
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
California Sexual Assault Forensic Examiner Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
El Dorado County District Attorney's Office
Family Violence Appellate Project
Fullerton Police Officers' Association
Los Angeles County District Attorney's Office
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
National Organization for Victim Advocacy (NOVA)
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

Opposition

ACLU California Action
California Attorneys for Criminal Justice

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