

UNFINISHED BUSINESS

Bill No: SB 1056
Author: Grayson (D) and Wahab (D), et al.
Amended: 8/13/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 3/24/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SENATE FLOOR: 39-0, 5/19/26
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Niello

ASSEMBLY FLOOR: 78-0, 8/19/26 - See last page for vote

SUBJECT: Criminal procedure

SOURCE: Volare

DIGEST: This bill requires a court to issue a protective order governing the disclosure of sexually explicit material of an adult victim, as specified, in any case where a defendant is being prosecuted for a serious felony that is a registerable sex offense, or any case pertaining to specified offenses involving distributing intimate images of another person without consent.

Assembly Amendments (1) change this bill's application from violent felonies to serious felonies that require sex offender registration; (2) require a protective order governing the disclosure of sexually explicit material to safeguard the victim's

privacy, prevent unnecessary copying, transmission, or dissemination of the material, and ensure the defendant's right to a fair trial and a meaningful opportunity to participate in their own defense; and (3) prohibit a defendant from retaining a copy of the material after the case has ended.

ANALYSIS:

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.
(Penal (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) 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).)
- 6) 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).)
- 7) 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).)
- 8) 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.)

- 9) 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.)
- 10) 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).)
- 11) 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).)
- 12) 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:

- 1) Requires 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 sexually explicit material (of an adult victim) 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) Requires, if a defendant is representing themselves, that the court consider whether the protective order should include a requirement that the material be

viewed in a secured location. Prohibits, in any case, the defendant from retaining a copy of the material after the case has ended.

- 3) Provides if the court issues a protective order, the parties are prohibited from disclosing to any person copies of sexually explicit material, unless specifically permitted to do so by the terms of the protective order.
- 4) Authorizes an attorney for any party to disclose sexually explicit material, 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.

Background

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.)

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, subs. (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. 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.

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 this 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 specified criminal cases involving sexually explicit material depicting an adult victim.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

One-time costs (State Court Facilities Construction Fund, General Fund) of approximately \$270.6 million to the Judicial Council to construct new rooms or retrofit existing spaces within courthouses with criminal calendars, contingent on the bill being interpreted, as courts interpreted last year’s AB 528 (Alanis), of this legislative session, to mean courts may not deny a viewing request and must therefore provide space where sensitive materials can be viewed. Judicial Council also reports it would need funding to conduct an official survey of impacted courthouses to determine the number of rooms needed, locations, construction needs and costs, and a construction timeline. The bill contains no delayed implementation date, and Judicial Council reports courts may be unable to comply if courthouses are the selected viewing location.

Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially moderate amount to the courts for calendaring impacts from new hearings required to establish the protective orders. The courts have no estimate of the affected population — persons who commit a strike offense and are also required to register pursuant to Penal Code section 290 — but do not anticipate it to be significant. Actual costs will depend on the number of protective order hearings and the amount of court time needed for each hearing. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund.

SUPPORT: (Verified 8/19/26)

Volare (source)

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

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 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

OPPOSITION: (Verified 8/19/26)

ACLU California Action
California Attorneys for Criminal Justice
California Public Defenders Association

ASSEMBLY FLOOR: 78-0, 8/19/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Blanca Rubio

Prepared by: Stephanie Jordan / PUB. S. /916-651-4118
8/19/26 15:27:14

**** **END** ****