

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 1111 (Ashby) – As Amended March 23, 2026

Policy Committee:	Privacy and Consumer Protection	Vote:	14 - 1
	Public Safety		9 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill provides that a person's voice or likeness includes a digital replica for purposes of the right of publicity law, and provides that the Penal Code provisions in which false impersonation is a required element include the use of a digital replica with the intent to impersonate another person.

Specifically, this bill:

- 1) Applies the prohibition on the knowing, unauthorized commercial use of another person's name, voice, signature, photograph, or likeness to digital replicas, as defined in existing law — computer-generated, highly realistic electronic representations readily identifiable as the voice or visual likeness of an individual.
- 2) Removes the rebuttable presumption that an employer's incidental, non-essential use of an employee's photograph or likeness in a publication was not a knowing use made without consent.
- 3) Adds Section 540 to the Penal Code, providing that for purposes of any Penal Code provision in which false impersonation is a required element, including credible online impersonation, false personation, and false personation to obtain money or property, false impersonation includes the use of a digital replica with the intent to impersonate another.

FISCAL EFFECT:

- 1) Potential court cost pressures of an unknown, but likely minor amount (Trial Court Trust Fund (TCTF)), to the extent clarifying that the right of publicity statute reaches digital replicas, and removing the incidental-use presumption, result in additional civil filings or more protracted litigation. Because existing law already provides overlapping civil remedies for unauthorized digital replica uses, including Civil Code section 1708.86 for sexually explicit depictions and section 3344.1 for deceased personalities, the incremental filing volume attributable to this bill is likely modest. Although trial courts are not funded on a workload basis, increased pressure on the TCTF may create demand for increased General Fund support. The state provides approximately \$117.3 million in annual General Fund backfill to the TCTF in 2025-26.
- 2) Potential incarceration costs of an unknown amount, likely minor to moderate, to CDCR and the counties (General Fund, local funds). Felony false personation under Penal Code section

529 is generally punishable pursuant to Penal Code section 1170(h) and served in county jail; in practice, however, CDCR admissions data show 56 principal and secondary admissions to state prison in 2025 for violations of section 529, reflecting cases in which prior convictions, disqualifying factors, or accompanying offenses route the sentence to state prison. To the extent this bill's expansion of false personation to encompass the use of digital replicas results in additional felony convictions, a share of those convictions likewise will result in state prison admissions, and any resulting increase in state prison commitments would represent an ongoing General Fund cost. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in state prison at \$128,000; CDCR estimates \$135,921. The average annual cost to incarcerate one person in county jail is approximately \$29,000, though costs are higher in larger counties. County incarceration costs are not subject to reimbursement by the state. However, overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from public safety realignment.

COMMENTS:

1) **Purpose.** According to the author:

The lack of a comprehensive legal framework to address the non-consensual creation of AI deepfake images leaves victims with no remedy. While some deepfakes target public figures, AI software now allows users to create content featuring anyone. Often, women are the targeted victims, and the vast majority of incidents are sexually explicit in nature. SB 1111 creates a framework to hold AI users accountable by establishing clear legal standing for victims and defining the boundaries of AI technology.

2) **Background.** Generative artificial intelligence tools have made digital replicas — highly realistic, computer-generated representations of a real person's voice or visual likeness — inexpensive and widely accessible, enabling nonconsensual sexually explicit deepfakes, financial fraud accomplished through impersonation, and other misuse. The overwhelming majority of victims of nonconsensual deepfake imagery are women and girls, and reported incidents include deepfake nude images of students circulated at California schools. Digital replica technology has also been used to accomplish large-scale fraud, including a 2024 incident in which employees of a multinational company transferred \$25.6 million after a video conference in which every other participant, including a digitally recreated chief financial officer, was a deepfake.

Existing law provides civil and criminal frameworks that this bill updates. Civil Code section 3344 codifies the right of publicity, imposing liability, including statutory damages of at least \$750, punitive damages, and prevailing-party attorney's fees, for the knowing, unauthorized commercial use of another's name, voice, signature, photograph, or likeness. The Penal Code separately criminalizes credible online impersonation and false personation, punishable by fines and county jail terms. This bill clarifies that both frameworks reach conduct accomplished through digital replicas, and removes an incidental-use evidentiary presumption dating to 1971 that predates modern digital editing. The bill defines digital replica by cross-reference to the existing definition in Civil Code section 3344.1, which excludes authorized electronic reproduction, sampling, remixing, and remastering.

This bill is similar to SB 11 (Ashby, 2025), which the Governor vetoed on the basis of a consumer warning requirement. That requirement was a mandated hyperlink disclosure wherever a user may input a prompt, warning users of digital replica tools about potential civil and criminal liability, with civil exposure for technology providers that failed to include the link. The veto message otherwise commended the effort to prepare state law for the challenges posed by highly realistic synthetic content, expressing doubt only that a warning would dissuade wrongdoers. This bill omits the warning requirement, and also omits SB 11's requirement that the Judicial Council review the impact of artificial intelligence on evidence in court proceedings — a function the Judicial Council's Artificial Intelligence Task Force, established in May 2024, now performs on the judicial branch's own initiative.

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