

SENATE THIRD READING
SB 1111 (Ashby)
As Amended March 23, 2026
Majority vote

SUMMARY

Provides that a person's voice or likeness includes a digital replica for purposes of California's "right of publicity" law. 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.

Major Provisions

- 1) Provides, for purposes of California's right of publicity law, that a person's voice or likeness includes a digital replica.
- 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) Provides that Penal Code provisions governing false impersonation include the use of a digital replica with the intent to impersonate another.

COMMENTS

This bill updates California's civil and criminal laws relating to likeness rights and false impersonation in order to keep pace with the challenges posed by GenAI. Existing Civil Code section 3344 codifies the right to publicity, imposing liability on any person who knowingly uses another's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services, without prior consent. Existing law also prohibits the false impersonation of another person in either their personal or official capacity with the intent to steal or defraud. This bill updates those laws to clarify they apply to digital replicas.

Furthermore, this bill eliminates a rebuttable presumption providing that an employer does not knowingly violate a deceased personality's publicity rights if the use of their likeness is incidental to a publication and part of the employee's job. The presumption, which dates back to 1971, is outdated given the ease with which photographs can now be digitally edited.

The bill is similar to last year's SB 11 (Ashby) of 2025, which was vetoed by the Governor on the basis of a consumer warning requirement that is not in this year's bill.

According to the Author

California is leading the nation in AI regulations. However, a significant gap remains. 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. As technology changes, California must continue to advance the standard for protections against AI violence and those affected by it.

Arguments in Support

11:11 Media, sponsor of the bill, writes:

As artificial intelligence tools become more advanced and more accessible, it has become far too easy to create and spread nonconsensual AI-generated content. A person's voice or likeness can now be copied, manipulated, and used without their knowledge or consent. This abuse can be used to humiliate, harass, exploit, and impersonate people, causing serious emotional, reputational, and financial harm.

This issue is urgent. AI-generated abuse is already being used to create sexually explicit deepfakes, spread false statements, and impersonate real people in deeply harmful ways. California's Department of Justice cites research showing that 90% of victims are women, 93% suffered significant emotional distress, 51% had suicidal thoughts, and 49% reported being stalked or harassed online by people who saw the material. These harms disproportionately affect women and girls and increasingly affect children as well.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Appropriations Committee:

- 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.

VOTES

SENATE FLOOR: 36-0-4

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Becker, Blakespear, Cabaldon, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNERney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Weber Pierson, Wiener

ABS, ABST OR NV: Arreguín, Caballero, Valladares, Wahab

ASM PRIVACY AND CONSUMER PROTECTION: 14-1-0

YES: Bauer-Kahan, Macedo, Bryan, Hoover, Irwin, Lowenthal, McKinnor, Ortega, Patterson, Pellerin, Petrie-Norris, Ward, Wicks, Wilson

NO: DeMaio

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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CONSULTANT: Josh Tosney / P. & C.P. / (916) 319-2200

FN: 0003489