
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1130 **Hearing Date:** March 24, 2026
Author: Reyes
Version: February 17, 2026
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Crimes: invasion of privacy: wearable recording devices*

HISTORY

Source: Author

Prior Legislation: SB 926 (Wahab), Ch. 289, Stats. of 2024
AB 1962 (Berman), Ch. 367, Stats. of 2024
SB 1272 (Becker), Ch. 27, Stats. of 2022
SB 1081 (Rubio), Ch. 882, Stats. of 2022
AB 2669 (Jones-Sawyer), Ch. 175, Stats. of 2018
AB 324 (Kiley), Ch. 246, Stats. of 2018
AB 413 (Eggman), Ch. 191, Stats. of 2017
AB 1671 (Gomez), Ch. 855, Stats. of 2016
SB 1255 (Cannella), Ch. 863, Stats. of 2014
AB 2645 (Connelly), Ch. 298, Stats. of 1992
AB 860 (Unruh), Ch. 1509, Stats. of 1967

Support: California Civil Liberties Advocacy; California Federation of Labor Unions, AFL-CIO; CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO; Oakland Privacy

Opposition: Cal Chamber; Computer and Communications Industry Association; TechNet

PURPOSE

The purpose of this bill is to create wobblers to prohibit a person from operating a wearable recording device to capture sound or video of any other person in any area within a place of business where the person has a reasonable expectation of privacy; to prohibit a person from disabling any light or other device on a wearable recording device that indicates that the device is capturing sound or video; to prohibit a person or entity from manufacturing or selling any technology that enables a person to disable any light or other device on a wearable recording device that indicates that the device is capturing sound or video; and to prohibit a person from purchasing, acquiring, or using that technology.

Existing law makes it a wobbler for any person to intentionally tap or make any unauthorized connection into a telephonic communication system (wiretapping) without the consent of all parties. (Pen. Code, § 631, subd. (a).)

Existing law makes it a wobbler for a person to, intentionally and without the consent of all parties to a confidential communication, use an electronic amplifying and recording device to eavesdrop upon or record the confidential communications. (Pen. Code, § 632, subd. (a).)

Existing law makes it a wobbler for a person to, maliciously and without the consent of all parties to the communication, intercept, receive, or assist in intercepting or receiving a communication transmitted between cell phones or between any cell phone and a landline phone. (Pen. Code, § 632.5, subd. (a).)

Existing law makes it a wobbler for a person to, maliciously and without the consent of all parties to the communication, intercept, receive, or assist in intercepting or receiving a communication transmitted between cordless phone, between any cordless phone and a landline phone, or between a cordless phone and a cell phone. (Pen. Code, § 632.6, subd. (a).)

Existing law makes it a wobbler for a person who, without the consent of all of the parties to a communication, intercepts or receives and intentionally records, or assists in the interception or reception and intentional recordation of, a communication transmitted between two cell phones, a cell phone and a landline phone, two cordless phones, a cordless phone and a landline phone, or a cordless phone and a cell phone. (Pen. Code, § 632.7, subd. (a).)

Existing law includes elevated penalties when a person is convicted under one of the wiretapping, eavesdropping, or unlawful recording statutes and has a prior conviction for violating one of the specified eavesdropping or unlawful recording statutes. (Pen. Code, §§ 631, 632, 632.5, 632.6, 632.7.)

Existing law provides that the wiretapping, eavesdropping, and unlawful recording statutes do not prohibit the Attorney General, any district attorney, or any assistant, deputy, or investigator of the Attorney General or any district attorney, any officer of the California Highway Patrol, any peace officer of the Office of Internal Affairs of the Department of Corrections and Rehabilitation, any chief of police, assistant chief of police, or police officer of a city or city and county, any sheriff, undersheriff, or deputy sheriff regularly employed and paid in that capacity by a county, police officer of the County of Los Angeles, or any person acting pursuant to the direction of one of these law enforcement officers acting within the scope of their authority, from overhearing or recording any communication that they could lawfully overhear or record prior to January 1, 1968. (Pen. Code, § 633, subd. (a).)

Existing law provides that the wiretapping, eavesdropping, and unlawful recording statutes do not prohibit any person regularly employed as an airport law enforcement officer acting within the scope of their authority from recording any communication which is received on an incoming phone line and for which the person initiating the call utilized a phone number known to the public to be a means of contacting airport law enforcement officers. (Pen. Code, § 633.1, subd. (a).)

Existing law provides that the wiretapping, eavesdropping, and unlawful recording statutes do not prohibit one party to a confidential communication from recording the communication for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to the communication of the crime of extortion, kidnapping, bribery, or any felony involving violence against the person. (Pen. Code, § 633.5.)

Existing law creates a wobbler for any person who trespasses on property for the purpose of committing or attempting to commit any act, in violation of the wiretapping, eavesdropping, or unlawful recording statutes. (Pen. Code, § 634.)

Existing law makes it a misdemeanor for a person 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)(A).)

Existing law defines “identifiable” as “capable of identification, or capable of being recognized, meaning that someone, including the victim, could identify or recognize the victim.” Specifies that the victim’s identity is not required to actually be established. (*Ibid.*)

This bill makes it a wobbler for a person to operate a wearable recording device to capture sound or video of any other person in any area within a place of business where the person has a reasonable expectation of privacy unless the person operating the device has the explicit consent of that person to capture sound or video of that person.

This bill makes it a wobbler for a person to disable any light or other device on a wearable recording device that indicates that the device is capturing sound or video.

This bill defines “place of business” as “any physical office or retail establishment in which members of the public receive goods or services from the business.”

This bill defines “wearable recording device” as “any device that can be worn on or attached to the body that has the capacity to make sound or video recordings or transmit data received by the device to another device or to the internet.”

This bill provides that a violation of the above provisions is punishable by a fine not exceeding \$2,500 per violation, or imprisonment in a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. Provides that if the person has previously been convicted of a violation of this section or Section 631, 632.5, 632.6, 632.7, 632.9, or 636, the person shall be punished by a fine not exceeding \$10,000 per violation, by imprisonment in a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment.

This bill makes it a wobbler for a person or entity to manufacture, sell, deliver, hold, or offer for sale in commerce in this state any technology that enables a person to disable any light or other device on a wearable recording device that indicates that the device is capturing sound or video.

This bill makes it a wobbler for a person to purchase, trade for, or otherwise acquire any technology that enables a person to disable any light or other device on a wearable recording device that indicates that the device is capturing sound or video.

This bill makes it a wobbler for a person to use any technology to permanently or temporarily disable any light or other device on a wearable recording device that indicates that the device is capturing sound or video if the device would otherwise indicate that it is capturing sound or video.

This bill provides that a violation of the above provisions is punishable by a fine not exceeding \$2,500 per violation, or imprisonment in a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. Provides that if the person has previously been convicted of a violation of this section or Section 631, 632.5, 632.6, 632.7, 632.8, or 636, the person shall be punished by a fine not exceeding \$10,000 per violation, by imprisonment in a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment.

This bill adds the crimes created in the bill to the existing criminal statutes prohibiting wiretapping, eavesdropping, and unlawful recording for purposes of enhancement penalties when there are prior convictions for these crimes.

This bill adds the crimes created in this bill to the statutes that exempt specified individuals from the wiretapping, eavesdropping, and unlawful recording statutes.

COMMENTS

1. Need For This Bill

According to the author:

Artificial intelligence and wearable technology are transforming the way we communicate and interact with the world. Devices such as smart glasses and other body-worn recording tools are becoming more common in everyday life. While innovation should be welcomed, it must not come at the expense of Californians' fundamental right to privacy.

California has long been a national leader in privacy protections. However, many of our existing eavesdropping and recording statutes were written with traditional technologies in mind, telephones, handheld cameras, and tape recorders. Wearable devices present new challenges. They are often designed to look like ordinary eyewear or fashion accessories, making it difficult, if not impossible, for bystanders to know when they are being recorded. In some cases, recording indicator lights can be subtle, disabled, or modified, increasing the risk of covert surveillance.

SB 1130 modernizes California laws to address these emerging concerns. The bill defines wearable recording devices and prohibits recording in areas within places of business where individuals have a reasonable expectation of privacy, unless explicit consent is provided. It also prohibits tampering with or disabling recording indicator lights and restricts the manufacture, sale, purchase, or use of technology intended to conceal recording activity.

2. Existing Laws Related to Wiretapping and Eavesdropping

Penal Code section 630 declares that “advances in science and technology have led to the development of new devices and techniques for the purpose of eavesdropping upon private communications and that the invasion of privacy resulting from the continual and increasing use of such devices and techniques has created a serious threat to the free exercise of personal liberties and cannot be tolerated in a free and civilized society.” However, existing law also “recognizes that law enforcement agencies have a legitimate need to employ modern listening devices and techniques in the investigation of criminal conduct and the apprehension of lawbreakers.” (*Ibid.*)

Penal Code sections 631-632.7 set forth a comprehensive statutory scheme protecting the right of privacy by prohibiting unlawful wiretapping and other forms of illegal electronic eavesdropping. Unless a specific exception applies, a person may not intercept, record, or listen to confidential communications whether on a conventional, cordless, or cell phone. Penal Code section 633 outlines a major exemption to the prohibition on unlawful wiretapping and electronic eavesdropping:

[The prohibitions on wiretapping and eavesdropping] do not prohibit the Attorney General, any district attorney, or any assistant, deputy, or investigator of the Attorney General or any district attorney, any officer of the California Highway Patrol, any peace officer of the Office of Internal Affairs of the Department of Corrections and Rehabilitation, any chief of police, assistant chief of police, or police officer of a city or city and county, any sheriff, undersheriff, or deputy sheriff regularly employed and paid in that capacity by a county, police officer of the County of Los Angeles, or any person acting pursuant to the direction of one of these law enforcement officers acting within the scope of their authority, from overhearing or recording any communication that they could lawfully overhear or record prior to January 1, 1968.

Penal Code section 633.1 similarly exempts airport law enforcement officers. Finally, Penal Code section 633.5 provides that the wiretapping and eavesdropping statutes do not prohibit a party to a confidential communication from recording the communication for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to the communication of extortion, kidnapping, bribery, or any felony involving violence against the person.

3. Emerging Technology and Consumer Products Are Creating New Privacy Concerns

Smart glasses are eyewear that can correct vision and offer additional features not present in traditional eyewear, including camera functions for photography and video recording, AI capabilities, and integration with other devices. (Hornby, *What are smart glasses? Yesteryear's 'next big thing' is finally finding an audience* (Jul. 10, 2024).

<<https://www.laptopmag.com/gaming/vr/what-are-smart-glasses>>.) Although smart glasses have existed for years, they began to gain popularity following Meta's release of its Ray-Ban Stories product in 2021. (Hector, *The Ray-Ban Meta smart glasses are majorly popular, which is exciting and frightening in equal measure* (Oct. 21, 2024)

<<https://www.techradar.com/computing/virtual-reality-augmented-reality/the-ray-ban-meta-smart-glasses-are-majorly-popular-which-is-exciting-and-frightening-in-equal-measure>>.) The

increased popularity of these products and the ability to surreptitiously record others has received a significant amount of attention in recent months. (See Greenwald, *Are You Being Secretly Recorded by Smart Glasses? Here's How to Tell* (Mar. 4, 2026)

<<https://www.pcmag.com/explainers/are-you-being-secretly-recorded-by-smart-glasses-heres-how-to-tell>>; Dellinger, *Dear Meta Smart Glasses Wearers: You're Being Watched, Too* (Mar. 3, 2026) <<https://gizmodo.com/dear-meta-smart-glasses-wearers-youre-being-watched-too-2000728928>>; Chun, *How to Tell if Someone Is Filming You With Smart Glasses* (Mar. 15, 2026) <<https://www.cnet.com/tech/mobile/how-to-identify-smart-glasses/>>; Fortney, *Dinner Is Being Recorded, Whether You Know It or Not* (Feb. 16, 2026)

<<https://www.nytimes.com/2026/02/16/dining/meta-ray-ban-glasses-restaurants.html>>.) One notable anecdote involved an individual who realized that her esthetician was wearing smart glasses with recording capabilities during a waxing appointment. (Prada, *Woman Accuses Tech of Wearing Meta Recording Glasses During Her Brazilian Wax* (Sept. 2, 2025)

<<https://www.vice.com/en/article/woman-accuses-tech-of-wearing-meta-recording-glasses-during-her-brazilian-wax/>>.)

This bill seeks to address privacy concerns related to surreptitious recordings using devices such as smart glasses, and contains two major components. The first component prohibits operating a wearable recording device to capture sound or video of any other person in any area within a place of business where the person has a reasonable expectation of privacy unless the person operating the device has the explicit consent of that person to capture sound or video of that person, and prohibits a person from disabling any light or other device on a wearable recording device that indicates that the device is capturing sound or video. The second component prohibits the manufacture and sale of any technology that enables a person to disable any light or other device on a wearable recording device that indicates that the device is capturing sound or video, and prohibits the purchase and acquisition of that technology. Specifically, this bill makes it a wobbler to:

- Operate a wearable recording device to capture sound or video of any other person in any area within a place of business where the person has a reasonable expectation of privacy unless the person operating the device has the explicit consent of that person to capture sound or video of that person.
- Disable any light or other device on a wearable recording device that indicates that the device is capturing sound or video.
- Manufacture, sell, deliver, hold, or offer for sale in commerce in this state any technology that enables a person to disable any light or other device on a wearable recording device that indicates that the device is capturing sound or video.
- Purchase, trade for, or otherwise acquire any technology that enables a person to disable any light or other device on a wearable recording device that indicates that the device is capturing sound or video.
- Use any technology to permanently or temporarily disable any light or other device on a wearable recording device that indicates that the device is capturing sound or video if the device would otherwise indicate that it is capturing sound or video.

This bill defines “wearable recording device” as “any device that can be worn on or attached to the body that has the capacity to make sound or video recordings or transmit data received by the device to another device or to the internet,” and “place of business” as “any physical office or retail establishment in which members of the public receive goods or services from the business.”

This bill creates new code sections that are grouped with the wiretapping, eavesdropping, and unlawful recording statutes and amends the existing statutes to include cross references to the newly created code sections. In doing so, violations of the provisions of this bill would count as prior offenses that allow for higher penalties in the wiretapping and eavesdropping statutes to apply.

4. Related Offense

The impetus for this bill's introduction is the increasing prevalence of new technology that enables secret recordings. Existing law provides that it is unlawful for a person "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)(A).) Penal Code section 647 defines "identifiable" as "capable of identification, or capable of being recognized, meaning that someone, including the victim, could identify or recognize the victim," and specifies that the victim's identity is not required to actually be established. A violation of Penal Code section 647 is a misdemeanor.

Penal Code section 647 requires that a recording occur in a location where a person has a reasonable expectation of privacy. Similarly, this bill limits the prohibition on the use of wearable recording devices to "any area within a place of business where the person has a reasonable expectation of privacy unless the person operating the device has the explicit consent of that person" to record. In *Hill v. National Collegiate Athletic Association* (1994) 7 Cal.4th 1, 36-37, the California Supreme Court described the analysis that must be undertaken when considering whether a reasonable expectation of privacy existed in a particular case:

Even when a legally cognizable privacy interest is present, other factors may affect a person's reasonable expectation of privacy. For example, advance notice of an impending action may serve to " 'limit [an] intrusion upon personal dignity and security' " that would otherwise be regarded as serious.

In addition, customs, practices, and physical settings surrounding particular activities may create or inhibit reasonable expectations of privacy.

A "reasonable" expectation of privacy is an objective entitlement founded on broadly based and widely accepted community norms.

Finally, the presence or absence of opportunities to consent voluntarily to activities impacting privacy interests obviously affects the expectations of the participant. (Internal citations omitted.)

As mentioned in Section 3 of this analysis, this bill creates new code sections that are grouped with the wiretapping, eavesdropping, and unlawful recording statutes and amends the existing statutes to include cross references to the newly created code sections. The penalties in this bill are consistent with those found in the eavesdropping and unlawful

recording statutes which are all wobblers that can be punished by a fine, or imprisonment in a county jail not exceeding one year, or in the state prison, or by both a fine and imprisonment. The author and the Committee may wish to consider whether it would be more appropriate to incorporate the bill's language into Penal Code section 647, subdivision (j), which more closely resembles the intent of the bill's prohibition on wearing recording devices in an area of a business where a person has a reasonable expectation of privacy.

The component of the bill that prohibits the manufacture and sale of any technology that enables a person to disable any light or other device on a wearable recording device that indicates that the device is capturing sound or video as well as the purchase and acquisition of that technology raises other questions. Should the actions of businesses creating this technology be criminalized or should the focus be on bad actors using this technology? Should the term "technology" be defined to limit its application?

5. Argument in Support

The California Federation of Labor Unions, AFL-CIO writes:

Advances in wearable technology, including AI-enabled smart glasses that incorporate cameras, microphones, and real time data processing capabilities, are quickly becoming more common in everyday life. Because many of these devices resemble ordinary eyewear, individuals may be unknowingly recorded, analyzed, or surveilled without their knowledge or consent, creating serious new privacy concerns.

Wearers of AI-enabled glasses can surreptitiously record workers, often in restaurants, retail, and hospitality, and expose their identities and interactions publicly without consent. A recent New York Times article detailed several examples of "food influencers" recording food service workers and restaurant owners without their knowledge. One video, recorded in Victorville, California without worker or customer permission, got 2 million views online.

These incidents expose workers to potential harassment, online comments, and unwanted visibility. It also can expose individuals' location and other details of their lives without permission, not just to the person recording, but all viewers online if posted. Immigrant workers, victims of domestic violence, and those who just want privacy are all put at risk by secret recordings, especially when those videos are posted online, exposing individuals to harassment by federal authorities or abusers.

California's existing privacy laws were developed before the emergence of these technologies and do not adequately address devices that can discreetly capture audio and video in real time. In many cases, current law assumes that recording devices are clearly visible or that individuals will receive meaningful notice that recording is occurring. However, wearable devices challenge these assumptions by embedding recording capabilities into everyday accessories that are difficult for bystanders to detect.

SB 1130 takes an important step toward closing this gap in the law. The bill defines wearable recording devices and establishes clear rules to ensure transparency and accountability when these technologies are used. Specifically, the measure prohibits recording using these wearable devices in areas within places of business where individuals have a reasonable expectation of privacy without explicit consent. It also prohibits tampering with or disabling recording indicator lights that notify others when recording is taking place.

These protections are especially important for communities that may already face heightened risks of harassment, stalking, or surveillance. By establishing clear standards for transparency and consent, SB 1130 helps ensure that emerging technologies do not erode Californians' fundamental right to privacy.

6. Argument in Opposition

According to TechNet:

We appreciate the author's intent to protect individuals' privacy and prevent nonconsensual recording in sensitive environments. However, as drafted, SB 1130 raises significant concerns regarding overbreadth, unclear standards, and the imposition of liability on entities that lack the ability to control user behavior.

SB 1130 defines a "wearable recording device" broadly to include any device worn on or attached to the body that can capture or transmit audio or video.

In practice, this definition could encompass a wide range of everyday consumer technologies, including smartphones, tablets, and action cameras. Because existing provisions of the Penal Code define "person" to include business entities, the bill could have the unintended consequence of exposing manufacturers and other businesses to criminal and civil liability for the actions of end users.

Further, the bill prohibits a "person" from "operating" such a device in certain contexts but does not define the term "operate." Given its broad, ordinary meaning, this could be interpreted to extend liability beyond the individual user to entities involved in the design, manufacture, or distribution of devices.

Businesses that manufacture or sell these devices have no control over how individual consumers use them in public or private settings. For example, an action camera or tablet manufacturer cannot control whether a purchaser uses a device to capture audio or video in a location where another individual may have a reasonable expectation of privacy.

Imposing liability under these circumstances would represent a significant departure from established principles that assign responsibility to the individual engaging in the conduct at issue.

SB 1130 prohibits recording in areas within a place of business where a person has a "reasonable expectation of privacy," but does not clearly define which locations fall within this category.

Places of business vary widely, and there is no clear, actionable standard for determining where such expectations apply. Without further specificity, individuals and businesses alike may struggle to understand when recording is permitted. This ambiguity creates a risk that the bill could be interpreted as prohibiting the use of commonplace devices across a broad range of everyday settings.

Furthermore, because the bill establishes new violations tied to broadly defined conduct and ambiguous standards, it may lead to significant enforcement challenges and increased litigation. Even if liability were limited to individual users, the lack of clear boundaries could expose ordinary Californians to potential penalties for routine use of devices in public-facing environments.

The bill would be more appropriately tailored by clarifying that liability applies to the individual actually using the device to record audio or video, the wearer, rather than to a business that simply manufactures or sells the device.

Absent this clarification, SB 1130 risks sweeping in a broad range of entities far removed from the conduct the bill seeks to regulate and lacking the practical ability to prevent misuse.

California law already includes carefully tailored prohibitions addressing non-consensual recording in sensitive contexts, including specific restrictions related to recording individuals in private settings or while engaged in intimate activity. A more effective and balanced approach would be to build on these existing frameworks by clearly identifying the specific contexts in which recording is prohibited and ensuring that liability attaches to the individual engaging in the prohibited conduct.

Providing this level of clarity would better align the bill with its stated intent while avoiding unintended consequences for consumers and businesses.

While we share the goal of protecting individuals' privacy, SB 1130, as drafted, raises significant concerns related to overbreadth, unclear standards, and unintended liability for businesses that cannot control how their products are used.

-- END --