

THIRD READING

Bill No: SB 1130
Author: Reyes (D)
Amended: 5/14/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 3/24/26

AYES: Arreguín, Caballero, Cortese, Pérez, Wiener

NOES: Seyarto

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 7-2, 4/20/26

AYES: Cabaldon, Gonzalez, McNerney, Padilla, Reyes, Umberg, Wiener

NOES: Jones, Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/14/26

AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto, Dahle

SUBJECT: Invasion of privacy: wearable recording devices

SOURCE: Author

DIGEST: This bill makes it a misdemeanor 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; prohibits a person from using 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; and prohibits 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 as well as prohibits a person from purchasing, acquiring, or trading that technology.

ANALYSIS:

Existing law:

- 1) 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. (Penal (Pen.) Code, § 631, subdivision (subd.) (a))
- 2) 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))
- 3) 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))
- 4) 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))
- 5) Exempts specified law enforcement officers or any person acting pursuant to the direction a law enforcement officers acting within the scope of their authority from the wiretapping, eavesdropping, and unlawful recording statutes. (Pen. Code, §§ 633, subd. (a), 633.1, subd. (a))
- 6) 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))

This bill:

- 1) Makes it a misdemeanor 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.
- 2) Defines “place of business” as “any physical office or retail establishment in which members of the public receive goods or services from the business.”
- 3) Defines “wearable recording device” as “any device that is designed to 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.”
- 4) Prohibits a person from using 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.
- 5) Prohibits a person or entity from manufacturing, selling, delivering, holding, or offering for sale 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.
- 6) Prohibits a person from purchasing, trading for, or otherwise acquiring the above-described technology.
- 7) Adds the crime created in this bill to the statutes that exempt specified individuals from the wiretapping, eavesdropping, and unlawful recording statutes.
- 8) Exempts hearing aids and augmentative and alternative communication devices used by a person afflicted with impaired hearing or any communication disorder when the hearing aid or device is used for the purpose of overcoming the impairment or disorder.

Background

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. This bill includes criminal and civil penalties.

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

According to the Senate Appropriations Committee:

Unknown, significant to major cost pressure (Trial Court Trust Fund, General Fund) to the courts to the extent there are additional civil filings for new violations created by this bill. Actual costs would depend on the number of violations and the amount of court time required for each action, for example violations of disabling any light or other device on a wearable recording device would involve a jury trial. Judicial Council of California (JCC) data indicates only seven percent of misdemeanors go to jury trials. Processing time for misdemeanors from time of filing to time of disposition ranges from 30 days to 120 days.

SUPPORT: (Verified 5/14/26)

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

OPPOSITION: (Verified 5/14/26)

Cal Chamber
Computer and Communications Industry Association
TechNet

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.

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.

...

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.

Prepared by: Stephanie Jordan / PUB. S. /
5/18/26 15:21:09

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