

SENATE THIRD READING
SB 1130 (Reyes)
As Amended August 26, 2026
Majority vote

SUMMARY

Prohibits a person from operating a wearable recording device within a place of business where a person has a reasonable expectation of privacy without consent of the person being recorded.

Major Provisions

- 1) Prohibits a person or entity, beginning on January 1, 2028, from manufacturing, selling, delivering, holding, or offering for sale in commerce in this state a wearable recording device without a light, sound, or other indicator that is sufficiently prominent so that a reasonable person in the vicinity would be alerted to the capturing activity.
- 2) Makes it a misdemeanor, punishable by imprisonment of up to one year and a fine of up to \$1,500, 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.
- 3) Provides that the fact that a person takes a photograph or makes an audio or video recording of a public officer or peace officer, while the officer is in a public place or the person taking the photograph or making the recording is in a place the person has the right to be does not constitute in and of itself a violation of these provisions nor does it constitute reasonable suspicion to detain the person or probable cause to arrest the person.
- 4) Makes it a misdemeanor, punishable by imprisonment of up to one year and a fine of up to \$1,500, for a person to disable any light sound or other indicator on a wearable recording device that indicates that the device is capturing sound or video.
- 5) Defines "capture" as collecting and storing sound or video of another person or collecting and transmitting sound or video of another person to any other person. "Capture" does not include the temporary processing of sound or video that is not stored or transmitted to another person.
- 6) Defines "place of business" as "any physical office or retail establishment in which members of the public receive goods or services from the business."
- 7) Defines "wearable recording device" as "any device that can be worn on or attached to the body, rather than held by the user, that has the capacity to make sound or video recordings or transmit sound or video to another device or to the internet."
- 8) Provides that a wearable recording device does include a body-worn camera when used by a public officer or peace officer in the course of their official duties.
- 9) Provides that a wearable recording device does not include a headset, two-way radio, or similar device that is operated by an employee during the normal course of their business duties and is provided by their employer for that purpose; but requires an employer to inform

a customer that they are being recorded if the employer intentionally records sound or video of a customer while using a headset, two-way radio, or similar device, as specified.

- 10) Provides that a wearable recording device does not include traditional wireless headphones or earphones.
- 11) States that it does not apply to the use of hearing aids, augmentative and alternative communication devices, and similar devices by a person afflicted with impaired hearing or any communication disorder when the hearing device is used for the purpose of overcoming impairment or disorder to permit the hearing of sounds ordinarily audible to the human ear or to support communication with the person.
- 12) Provides that the above does not preclude prosecution for eavesdropping upon or recording a confidential communication, as specified, or any other law providing for a greater penalty.
- 13) Specifies that the above does not apply to the use of assistive technology, including, but not limited to, hearing aids, augmentative and alternative communication devices, and similar devices and technologies by a person with a disability, as specified, if the device or technology is used for the purpose of enabling a person's access to, or participation in, activities of daily living or to support a person's functional needs related to the disability or condition.
- 14) Provides that the above does not impose liability on a manufacturer of a wearable recording device or a provider of software or a service that processes, stores, or transmits recordings captured by the device solely because the entity manufactured, provided, or maintained the device, software, or service.
- 15) Provides that the above does not create a private right of action against a person for a violation of the above.
- 16) Adds the crime 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.
- 17) Adds the crime created in this bill to the statutes that exempt specified individuals from the wiretapping, eavesdropping, and unlawful recording statutes.
- 18) Prohibits a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce in this state any technology that is designed for the purpose of, marketed for, or likely primarily used for enabling a person to disable any light or other device on a wearable recording device that indicates that the device is capturing sound or video. A violation is punishable by a civil penalty with a fine of \$2,500 per violation.
- 19) Prohibits a person from purchasing, trading for, or otherwise acquiring any technology described above. A violation is punishable by a civil penalty with a fine of \$2,500 per violation.
- 20) 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 if the device would otherwise indicate that it is capturing sound or video. A violation is punishable by a civil penalty with a fine of \$2,500 per violation.

21) States, for the purpose of the civil violation, "wearable recording device" has the same meaning as it does in the Penal Code.

COMMENTS

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 devices 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 or consent 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 law 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.

"This measure does not prohibit innovation, nor does it prevent lawful recording. Instead, it reinforces core principles of transparency, consent, and accountability. As technology evolves, our laws must evolve with it to ensure that privacy protections remain meaningful.

"SB 1130 provides clear standards for businesses, consumers, and law enforcement, while protecting Californians' dignity and reasonable expectations of privacy."

Arguments in Support

According to the *California Federation of Labor Unions, AFL-CIO*, "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."

Arguments in Opposition

According to *TechNet*, "TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of American innovation by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes more than 100 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

"We appreciate the author's intent to protect individuals' privacy and prevent non-consensual 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.

"Overbroad Definition Creates Unintended Liability for Businesses"

"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.

"Unclear "Reasonable Expectation of Privacy" Standard and Increased Litigation Risk

"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.

"Liability Should Attach to the User, Not the Manufacturer

"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.

"A Targeted Approach Is Available

"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."

FISCAL COMMENTS

According to the Assembly Appropriations Committee, "Potential court cost pressures of an unknown, but potentially significant amount (Trial Court Trust Fund (TCTF), General Fund). This bill creates a new misdemeanor and new civil penalty provisions, each of which may generate additional criminal filings and civil actions. Because new Penal Code Section 632.8 is added to the Invasion of Privacy Act, existing Penal Code Section 637.2 authorizes any person injured by a violation to bring a civil action for the greater of \$5,000 per violation or three times actual damages, together with injunctive relief, and does not require the plaintiff to have suffered actual damages. Actual costs would depend on the number of violations prosecuted, the volume of civil actions filed, and the court time required per action. Operating a courtroom generally costs approximately \$1,000 per hour. Although courts are not funded on the basis of workload, increased pressure on the TCTF may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in 2025-26."

VOTES

SENATE FLOOR: 30-8-2

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Grove, Jones, Niello, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Dahle, Ochoa Bogh

ASM PUBLIC SAFETY: 7-2-0

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

NO: Alanis, Lackey

ASM PRIVACY AND CONSUMER PROTECTION: 8-2-5

YES: Bauer-Kahan, Lowenthal, McKinnor, Ortega, Pellerin, Petrie-Norris, Ward, Bennett

NO: Macedo, DeMaio

ABS, ABST OR NV: Bryan, Hoover, Irwin, Patterson, Wilson

ASM APPROPRIATIONS: 11-1-3

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

NO: Tangipa

ABS, ABST OR NV: Hoover, Dixon, Ta

UPDATED

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