

SENATE PRIVACY, DIGITAL TECHNOLOGIES, AND CONSUMER PROTECTION COMMITTEE
Senator Christopher Cabaldon, Chair
2025-2026 Regular Session

SB 1142 (Becker)
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Fiscal: Yes
Urgency: No
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SUBJECT

Digital Dignity Act.

DIGEST

This bill requires a provider of a generative AI (GenAI) tool that is also a large online platform that allows users to create digital replicas to create a mechanism for users to revoke access to their digital replica using the platform's tool and requires their terms of service to prohibit unlawful digital replicas, as provided. Platforms are required to establish a mechanism to report unlawful digital replicas and a process to respond to such reports. The bill also provides enhanced liability for those using, with actual knowledge, a digital replica that violates specified criminal laws or defamation law.

EXECUTIVE SUMMARY

"Digital replicas" are computer-generated, highly realistic electronic representations that are readily identifiable as the voice or visual likeness of an individual embodied in a sound recording, image, audiovisual work, or transmission in which the actual individual either did not actually perform or appear, or the actual individual did perform or appear, but the fundamental character of the performance or appearance has been materially altered. Given the transformative capabilities of generative AI to produce realistic digital replicas, a call has been made to fortify existing laws to protect Californians from the invasive and nonconsensual use of their likeness. Recent laws have fortified protections for digital replicas used post-mortem and those used pursuant to contracts for the performance of personal or professional services.

However, continuing concerns about the creation and distribution of nonconsensual digital replicas, including nonconsensual intimate imagery, highlight that existing laws may not adequately protect persons from false impersonation resulting from the use of digital replicas that are created using GenAI on large online platforms. This bill seeks to fill the gap by requiring GenAI platforms to provide a mechanism whereby a person may revoke consent for the creation of digital replica or to remove it and requiring

online platforms to provide a mechanism for a person to report digital replicas created without consent. GenAI providers must explicitly prohibit creation of violative content in their terms of service.

The bill is sponsored by the Transparency Coalition and supported by associations of medical and performance professionals and other advocacy groups. It is opposed by industry associations. Should the bill pass out of this Committee, it will next be heard by the Senate Judiciary Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes California's right of publicity law, which provides that 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 such person's prior consent, shall be liable for any damages sustained by the person or persons injured as a result thereof. (Civ. Code § 3344(a).)
- 2) Provides that any person who knowingly and without consent credibly impersonates another actual person through or on a website or by other electronic means for purposes of harming, intimidating, threatening, or defrauding another person is guilty of a public offense punishable by a fine and/or imprisonment. (Pen. Code § 528.5.)
- 3) Provides that every person who falsely impersonates another in either their private or official capacity, and in that assumed character carries out specified actions, is punishable by a fine and/or imprisonment. (Pen. Code § 529.)
- 4) Provides that every person who falsely impersonates another, in either their private or official capacity, and in such assumed character receives any money or property, knowing that it is intended to be delivered to the individual so personated, with intent to convert the same to their own use, or to that of another person, or to deprive the true owner thereof, is punishable in the same manner and to the same extent as for larceny of the money or property so received. (Pen. Code § 530.)
- 5) Provides the following definitions:
 - a) "Large online platform" means a public-facing social media platform, file-sharing platform, mass messaging platform, or stand-alone search engine that distributes content to users who did not create or collaborate in

creating the content that exceeded 2,000,000 unique monthly users during the preceding 12 months. (Busn. & Prof. Code § 22757.1.)

- b) “Digital replica” means a computer-generated, highly realistic electronic representation that is readily identifiable as the voice or visual likeness of an individual that is embodied in a sound recording, image, audiovisual work, or transmission in which the actual individual either did not actually perform or appear, or the actual individual did perform or appear, but the fundamental character of the performance or appearance has been materially altered. It does not include the electronic reproduction, use of a sample of one sound recording or audiovisual work into another, remixing, mastering, or digital remastering of a sound recording or audiovisual work authorized by the copyright holder. (Civ. Code § 3344.1.)
- c) “Generative artificial intelligence” means artificial intelligence that can generate derived synthetic content, such as text, images, video, and audio, that emulates the structure and characteristics of the artificial intelligence’s training data. (Civ. Code § 3110.)

This bill:

- 1) Establishes the Digital Dignity Act.
- 2) Requires the terms of service for any generative AI tool to explicitly prohibit users from creating content that violates these provisions, including the creation of nonconsensual intimate images.
- 3) Requires a generative AI tool provider to maintain, for no less than 90 days, records sufficient to allow compliance with a court order issued pursuant hereto, including records identifying any provenance data associated with a digital replica, provided that the records do not include the content of user communications.
- 4) Provides that a product, service, website, or application that is both a generative AI tool and a large online platform that allows users to create a digital replica of other individuals shall implement and maintain a mechanism by which users can revoke access to their digital replica, or remove any photograph, video, audio recording, or other digital rendering that includes their digital replica created by other people using the large online platform’s generative AI tool at any time, and shall allow users to remove videos containing their digital replica created by other people using the large online platform’s generative AI tool at any time. This subdivision does not require them to provide access to content that is generated and stored exclusively on a user’s local device and that has not been transmitted to the product’s, service’s, website’s, or application’s servers.

- 5) Requires a large online platform to provide a clear, conspicuous, and easy-to-use mechanism for a user to report a digital replica that violates the Digital Dignity Act, regardless of whether or not the individual depicted is a user of the generative AI tool or large online platform. The attendant reporting process must ensure the following are accomplished within 48 hours of receiving a report:
 - a) Reports of unauthorized digital replicas are reviewed.
 - b) If the content violates the Digital Dignity Act, access to the content is removed or disabled.
 - c) The reporting party is provided with a confirmation of the removal or, if the content was not removed, a written explanation of the reason.

- 6) Provides the following definitions:
 - a) "Digital replica" has the same meaning as defined in Section 3344.1 of the Civil Code.
 - b) "Generative artificial intelligence" or "generative AI" has the same meaning as defined in Section 3110 of the Civil Code.
 - c) "Individual" means a natural person, whether living or deceased.
 - d) "Large online platform" has the same meaning as defined in Section 22757.1.
 - e) "Likeness" means an individual's name, signature, photograph, image, or any other recognizable aspect of the individual's physical appearance.
 - f) "Nonconsensual intimate images" has the same meaning as "covered material" in Section 22670.
 - g) "Provenance data" has the same meaning as defined in Section 22757.1.
 - h) "Voice" means the actual or simulated sound of an individual's voice that is recognizable as the voice of that individual.

- 7) Authorizes a city attorney or the Attorney General to bring a civil action to enforce the Act and to seek a civil penalty not to exceed \$50,000 for each day a generative AI tool is provided to the public in violation hereof. A platform's systemic failure to adhere to the above timelines and process valid reports in good faith also constitutes a violation. A city attorney or the Attorney General may seek an injunction or temporary restraining order pursuant to Section 527 of the Code of Civil Procedure. If the court grants the applicant such an order that requires the respondent to remove, recall, or otherwise cease the publication or distribution of the petitioner's name, voice, signature, photograph, or likeness, the respondent shall complete the removal or recall, or cease the publication or distribution, within two business days from the day the order is served, unless otherwise required by the order.

- 8) Provides that any person who, by distributing content with actual knowledge that the content includes the use of a digital replica, is found liable in a civil action for defamation or violates specified provisions of the Penal Code in which

false impersonation of another is a required element shall also be liable for the greater of the following:

- a) In cases where an individual or entity negligently distributes, liquidated damages of \$1,000 or actual damages for each violation.
 - b) In cases where a violation was committed by an individual or entity with knowledge of, or reckless disregard for, the rights of the individual, the court may, in its discretion, award not less than \$5,000 for each violation.
- 9) Provides that the preceding provision shall apply until 70 years after the year of the imitated person's death.¹
- 10) Authorizes a party, in addition to the remedies above, to seek an injunction or temporary restraining order. If the court grants the applicant an order that requires the respondent to remove, recall, or otherwise cease the publication or distribution of the petitioner's name, voice, signature, photograph, or likeness, the respondent shall complete the removal or recall, or cease the publication or distribution, within two business days from the day the order is served, unless otherwise required by the order. These rights are property rights, freely transferable or descendible, in whole or in part, by contract, by means of a trust, or pursuant to Section 3344.1 of the Civil Code. This applies to the adjudication of liability and the imposition of any damages or other remedies in cases in which the liability, damages, and other remedies arise from acts occurring directly in this state.
- 11) Provides that for the purposes of the above provision, a digital replica may be used without consent if the use is in connection with any news, public affairs, or sports broadcast or account, or any political campaign; is for purposes of comment, criticism, scholarship, satire, or parody; is a representation of the individual as the individual's self in a documentary or in a historical or biographical manner, except as provided; is fleeting or incidental; or is in an advertisement or commercial announcement for specified works, as provided in Section 3344.1 of the Civil Code.
- 12) Includes a severability clause and a series of findings and declarations.

COMMENTS

1. GenAI and the misuse of one's likeness

The world has been in awe of the powers of generative AI since the widespread introduction of AI systems such as ChatGPT. However, the capabilities of these

¹ The bill makes reference to a "prohibition." The author will be accepting an amendment to more accurately characterize the provision.

advanced systems lead to a blurring between reality and fiction. The rapid advancement of AI technology has created unprecedented challenges in protecting individuals' identities and likenesses. Deepfakes and AI-generated content can now convincingly mimic a person's voice, appearance, and mannerisms, making impersonation easier and more convincing than ever before. The Brookings Institution lays out the issue:

Over the last year, generative AI tools have made the jump from research prototype to commercial product. Generative AI models like OpenAI's ChatGPT and Google's Gemini can now generate realistic text and images that are often indistinguishable from human-authored content, with generative AI for audio and video not far behind. Given these advances, it's no longer surprising to see AI-generated images of public figures go viral or AI-generated reviews and comments on digital platforms. As such, generative AI models are raising concerns about the credibility of digital content and the ease of producing harmful content going forward.

Against the backdrop of such technological advances, civil society and policymakers have taken increasing interest in ways to distinguish AI-generated content from human-authored content.²

More recently, advanced tools like OpenAI's (recently discontinued) Sora and xAI's Grok have captured the public's attention with highly realistic digital replicas of actual persons in images and videos. However, this has brought with it troubling instances of nonconsensual uses of others' likenesses:

Elon Musk's artificial intelligence chatbot, Grok, created and then publicly shared at least 1.8 million sexualized images of women, according to separate estimates of X data by The New York Times and the Center for Countering Digital Hate.

Starting in late December, users on the social media platform inundated the chatbot's X account with requests to alter real photos of women and children to remove their clothes, put them in bikinis and pose them in sexual positions, prompting a global outcry from victims and regulators.

In just nine days, Grok posted more than 4.4 million images. A review by The Times conservatively estimated that at least 41 percent of posts, or 1.8 million, most likely contained sexualized imagery of women. A broader

² Siddarth Srinivasan, *Detecting AI fingerprints: A guide to watermarking and beyond* (January 4, 2024) Brookings Institution, <https://www.brookings.edu/articles/detecting-ai-fingerprints-a-guide-to-watermarking-and-beyond/#:~:text=Google%20also%20recently%20announced%20SynthID,model%20to%20detect%20the%20watermark>. All internet citations are current as of March 30, 2026.

analysis by the Center for Countering Digital Hate, using a statistical model, estimated that 65 percent, or just over three million, contained sexualized imagery of men, women or children.

The findings show how quickly Grok spread disturbing images, which earlier prompted governments in Britain, India, Malaysia and the United States to start investigations into whether the images violated local laws. The burst of nonconsensual images in just a few days surpassed collections of sexualized deepfakes, or realistic A.I.-generated images, from other websites, according to The Times's analysis and experts on online harassment.³

This has led to a number of lawsuits and action by the California Attorney General Rob Bonta.⁴

2. Fortifying the law around digital replicas

a. *Current law*

Current law establishes a right to control one's own name, voice, signature, image, and likeness for commercial purposes. A person whose name, voice, signature, image, or likeness was used in connection with a product or advertisement without their consent can file a civil action against the person who used the image and receive actual or statutory damages, disgorgement of profits from the wrongful use, and potentially punitive damages.

Additionally, California has a statutory right to publicity that applies postmortem. The law prohibits a person from using a deceased personality'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. This law was recently updated by AB 1836 (Bauer-Kahan, Ch. 258, Stats. 2024) to prohibit a person from producing, distributing, or making available the digital replica of a deceased personality's voice or likeness in an

³ Kate Conger, Dylan Freedman, & Stuart Thompson, *Musk's Chatbot Flooded X With Millions of Sexualized Images in Days, New Estimates Show* (January 22, 2026) The New York Times, <https://www.nytimes.com/2026/01/22/technology/grok-x-ai-elon-musk-deepfakes.html>.

⁴ Khari Johnson, *California orders Elon Musk's AI company to immediately stop sharing sexual deepfakes* (January 14, 2026) CalMatters, <https://calmatters.org/economy/technology/2026/01/california-investigates-deepfakes-elon-musk-company/#:~:text=Research%20obtained%20by%20Bloomberg%20found,websites%20are%20knowingly%20facilitating%20it.%E2%80%9D>; Noe Padilla, *Teens sue Musk's xAI, arguing Grok made child sexual abuse material* (March 16, 2026) USA Today, <https://www.usatoday.com/story/news/california/2026/03/16/elon-musk-xai-faces-class-action-lawsuit-over-ai-generated-deepfakes-grok-teens-child-images-sexual/89144313007/>.

expressive audiovisual work or sound recording without prior consent, except as provided.

To address concerns with performers unknowingly signing away their rights to their digital replicas, AB 2602 (Kalra, Ch. 259, Stats. 2024) provides that a provision in an agreement for the performance of personal or professional services that contains a provision allowing for the use of a digital replica of an individual's voice or likeness is unenforceable if it does not include a reasonably specific description of the intended uses and the individual is not represented by legal counsel or by a labor union, as specified.

Specific to nonconsensual, intimate content, SB 926 (Wahab, Ch. 289, Stats. 2024) creates a new crime for a person to intentionally create and distribute any sexually explicit image of another identifiable person that was created in a manner that would cause a reasonable person to believe the image is an authentic image of the person depicted, under circumstances in which the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress.

California also passed AB 602 (Berman, Ch. 491, Stats. 2019), which provides a cause of action against a person who creates and intentionally discloses sexually explicit, nonconsensual deepfakes, as specified, and those who intentionally disclose them knowing they are nonconsensual. With the advent of "nudification" applications and websites that make the ability to create these deepfakes even more accessible, AB 621 (Bauer-Kahan, Ch. 673, Stats. 2025) fortified the law to combat this troubling new trend and provided stronger enforcement mechanisms to incentivize compliance. It expands the cause of action to include material depicting minors and extends liability to those knowingly facilitating or recklessly aiding or abetting the actionable conduct. AB 621 also takes aim at "deepfake pornography services" whose primary purpose is to create these sexually explicit deepfakes.

b. The Digital Dignity Act

This bill creates the Digital Dignity Act, which represents another layer in protecting the use of one's likeness without consent. It responds to the above concerns regarding the misuse of one's likeness and/or voice in the form of "digital replicas." The term is defined in existing law as "a computer-generated, highly realistic electronic representation that is readily identifiable as the voice or visual likeness of an individual that is embodied in a sound recording, image, audiovisual work, or transmission in which the actual individual either did not actually perform or appear, or the actual individual did perform or appear, but the fundamental character of the performance or appearance has been materially altered.

A product, service, website, or application that is both a generative AI tool and a large online platform that allows users to create a digital replica of other individuals is required to implement and maintain a mechanism allowing users to revoke access to their digital replica, or remove content that includes their digital replica created by other people using the generative AI tool. Users must be permitted to remove, at any time, videos containing their digital replica using that generative AI tool, as provided.

The platforms are also required to provide a mechanism for users to report digital replicas that violate this Act. Platforms must also establish an attendant reporting process that ensures, within 48 hours of receiving a report, that reports are reviewed, access to any violative material is removed or disabled, and that the reporting party is sent confirmation of removal or an explanation is provided as to why it was not removed. The bill states the reasoning for this reporting process is to “prevent unfair or deceptive acts or practices in the administration of the reporting mechanisms.”

Generative AI tool providers are required to explicitly prohibit the creation of content that violates these provisions within their terms of service. The provider must also maintain specified records for at least 90 days to facilitate compliance with court orders related to civil actions brought by a city attorney or the Attorney General.

Such public prosecutors may bring civil actions to enforce these provisions and seek a civil penalty not to exceed \$50,000 for each day a generative AI tool is provided to the public in violation hereof. They may also seek an injunction or temporary restraining order. If the court grants an order requiring the respondent to remove, recall, or otherwise cease the publication or distribution of the petitioner’s name, voice, signature, photograph, or likeness, the respondent shall comply within two business days from the day the order is served, unless otherwise required by the order. A platform’s systemic failure to adhere to the above timelines and process valid reports in good faith constitutes a violation hereof.

The bill also provides for enhanced remedies when distribution of content with actual knowledge that the content includes the use of a digital replica is found liable for defamation or violates specified Penal Code provisions where false impersonation is a required element, except as provided.

According to the author:

With rapid improvements in AI image, video, and audio generation, highly realistic computer-generated depictions of people’s voice and likeness have become increasingly common across large online platforms. The widespread availability of these AI tools has enabled bad actors to create Digital Replicas of individuals that may be used to harm their personal reputation, social standing, employment status, as well as their physical and emotional well-being. Generative AI tools have been used to

create non-consensual intimate imagery, to perpetrate financial fraud against individuals and businesses, to create false endorsements, to defame and harass individuals, and to deceive the public through fraudulent impersonation. Early in 2024, an employee at UK engineering company, Arup, was tricked into transferring over \$25 million after attending a video conference call where every other participant, including the “CFO” was a deepfake. More recently, in early 2026, users exploited features in xAI’s Grok model to generate and circulate non-consensual sexual images of real people, leading to regulatory investigations. And in 2026, employment fraud spiked as operatives from North Korea used real-time deepfake video and audio to pass remote job interviews at U.S. companies to infiltrate sensitive systems. These examples are only a few instances, in a rising tide of deceptive practices, that highlight the need for urgent action.

Current defamation law does not account for the particularly egregious harm that the use of digital replicas to defame others inflicts. Additionally, the integration of GenAI tools with large online platforms calls for additional obligations on such platforms to provide users with more control over the use of their likeness as it relates to those tools specifically. SB 1142 seeks to address these concerns by providing additional specified damages for those found liable for defamation and false impersonation using a digital replica. Additionally, the bill imposes reasonable and technically feasible obligations on large online platforms that provide GenAI tools users can use to create digital replicas of themselves and others. Together, these solutions would ensure Californians have meaningful control over their likeness online, and impose real consequences on those who seek to weaponize this technology to defame or impersonate them.

3. Stakeholder positions

Transparency Coalition.AI, the sponsor of the bill, writes:

Dignity-based protections recognize the intrinsic worth of human beings shared by all people, as well as the individual reputation of each person built upon their own individual actions and achievements. Violations of dignity-based protections, unlike property right violations, do not manifest in clear monetary or financial losses. Instead, violations of one’s dignity produce emotional harms like distress, embarrassment, or humiliation, as well as psychological harms. Violations may also cause reputational harm, including being misrepresented in relation to a matter, including one’s beliefs, identities, and actions, and/or experiencing disadvantageous changes in employment status, position, or duties as a

result of the violation. Monetary and financial harms can accompany dignity-based violations, including resultant damage to property or damage to a business or financial position.

Solution

SB 1142 seeks to address these concerns by providing additional specified damages for those found liable for defamation and false impersonation using a digital replica. Additionally, the bill imposes reasonable and technically feasible obligations on large online platforms that provide GenAI tools users can use to create digital replicas of themselves and others.

The Music Artists Coalition writes in support:

SB 1142 establishes essential guardrails to ensure AI systems interacting with the public are safe, transparent, and accountable. For artists, these protections are fundamental: without clear disclosure, consent, and oversight, AI can misappropriate creative identities, mimic artistic expression, and undermine the value of human work. By requiring transparency and setting standards to prevent deceptive or unsafe outputs, the bill helps curb these risks. It also strikes the right balance by supporting innovation while safeguarding the dignity and rights of the creators whose work and likeness fuel California's cultural economy.

Writing in opposition, a coalition of industry groups, including the Computer and Communications Industry Association, argues the law is duplicative of existing law and may impermissibly impact protected expression. The groups further assert the approach is misguided:

SB 1142 may be attempting to address a gap in the current digital replica landscape for individuals who have not used their likeness for commercial use. However, these strict notice-and-takedown provisions may punish intermediaries for deceitful or malicious actions taken by unrelated individuals. Digital services cannot know every nuance of every piece of content that users post, and certain services may find it difficult or impossible to locate, let alone remove, such harmful content.

Policymakers should hold accountable bad actors who maliciously exploit a person's likeness without permission, ensuring that liability falls on them rather than intermediaries who lack knowledge or intent. Responsibility for allegedly offending content should lie with the party that intentionally and knowingly posted the content.

Liability should be limited to those who intentionally or knowingly violate an individual's intellectual property rights or commit deceptive acts. Any liability should be targeted to the individual(s) who committed these acts using a "digital replica," rather than tying liability to a product or service that allowed the media to be generated or served as a means for sharing it.

The Motion Picture Association writes in an oppose-unless-amended position. They argue for a definition of "generative AI tool" that incorporates "public accessibility requirements" and to remove the definition of "likeness" in order to "ensure that existing precedent interpreting the term remains." The author has agreed to take these two amendments.

SUPPORT

Transparency Coalition.AI (sponsor)
California Initiative for Technology & Democracy, a Project of California Common CAUSE
California Orthopedic Association
California Podiatric Medical Association
California Society of Pathologists
Kapor Center Advocacy
Music Artists Coalition

OPPOSITION

California Chamber of Commerce
Civil Justice Association of California
Computer & Communications Industry Association
Internet Works
Motion Picture Association
Reason Foundation
Technet

RELATED LEGISLATION

SB 683 (Cortese, Ch. 590, Stats. 2025) clarifies that a plaintiff in a right of publicity lawsuit may seek injunctive relief prior to the entry of judgment, and sets forth the timeframe for a defendant to comply with a temporary restraining order entered in such a case.

AB 621 (Bauer-Kahan, Ch. 673, Stats. 2025) *See* Comment 2.

SB 926 (Wahab, Ch. 289, Stats. 2024) *See* Comment 2.

SB 942 (Becker, Ch. 291, Stats. 2024) places obligations on businesses that provide generative AI systems to make accessible tools to detect whether specified content was generated by those systems. These “covered providers” are required to offer visible, and include imperceptible, markings on AI-generated content to identify it as such.

AB 1836 (Bauer-Kahan, Ch. 258, Stats. 2024) *See* Comment 2.

AB 2602 (Kalra, Ch. 259, Stats. 2024) *See* Comment 2.

AB 602 (Berman, Ch. 491, Stats. 2019) *See* Comment 2.
