
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1217 **Hearing Date:** April 21, 2026
Author: Grove
Version: March 24, 2026
Urgency: No **Fiscal:** Yes
Consultant: ML

Subject: *Nonconsensual Intimate Image Clearinghouse*

HISTORY

Source: California Survivor Coalition

Prior Legislation: SB 926 (Wahab), Ch. 289, Stats. of 2024
SB 1255 (Cannella), Ch. 863, Stats. of 2014
SB 255 (Cannella), Ch. 466, Stats. of 2013

Support: 3Strands Global Foundation; California District Attorneys Association; California Massage Therapy Council; Central Valley Justice Coalition; Chino Police Department; Church Without Walls; City of McFarland; Community Action Partnership of Kern; County of Tulare; Crime Victim's United; emPOWERment Dess Perkins Foundation; Farmersville Police Department; Fresno County Board of Supervisors; Fresno County District Attorney's Office; Fresno Police and Fire Chaplaincy; Fresno Police Department; Kern Coalition Against Human Trafficking; Kern County Sheriff's Office; Love Never Fails; Merced County District Attorney Office; Monterey County District Attorney's Office; Riverside County Sheriff's Office; San Diego County District Attorney's Office; San Luis Obispo County District Attorney; Table Mountain Rancheria; The California Baptist Capitol Ministry; The Open Door Network; Treasures; Tulare County Child Abuse Prevention Council; Tulare County Probation Department; Woodlake Police Department; Multiple Individuals

Opposition: None known

PURPOSE

The purpose of this bill is to establish a Nonconsensual Intimate Image Clearinghouse within the Department of Justice (DOJ) to allow individuals who were exploited in California to submit a request for the removal of nonconsensual intimate images from covered platforms, as specified; to require the DOJ to transmit verified images to covered platforms and require those platforms to remove verified matches; to require the DOJ to enforce these provisions with civil penalties against platforms for any violations; and to require a peace officer to advise a victim that they may make a request to the DOJ pursuant to these provisions and would require a peace officer to verify that the images in question are non-consensual if they possess that information.

Existing federal law, the TAKE IT DOWN Act, makes it a federal crime to knowingly share or threaten to share nonconsensual intimate images, including AI-generated images that depict real people, punishable by a fine or by imprisonment of up to two years if the image depicts an adult and three years if the image depicts a minor. (47 U.S.C. § 223, subd. (h).)

Existing federal law requires that covered platforms must establish a process whereby a person can notify the platform of an intimate visual depiction of the person published on the platform that was published without the consent of the individual. Requires the process to allow for the person depicted to submit a request for the covered platform to remove such intimate visual depiction. (47 U.S.C. § 223a, subds. (a)(1)(A)(i)-(ii).)

Existing federal law requires a covered platform to provide on the platform a clear and conspicuous notice, which may be provided through a clear and conspicuous link to another web page or disclosure, of the notice and removal process established that is easy to read, in plain language, and provides information regarding the responsibilities of the covered platform, including a description of how an individual can submit a notification and request for removal. (47 U.S.C. § 223a, subd. (a)(2).)

Existing federal law requires that upon receiving a valid removal request from an identifiable individual (or an authorized person acting on behalf of such individual) using the process described above, a covered platform must, within 48 hours, remove the intimate visual depiction and make reasonable efforts to identify and remove any known identical copies of such depiction. (47 U.S.C. § 223a, subd. (a)(3).)

Existing federal law makes violations of the above requirements by a covered platform an unfair or a deceptive act or practice under the Federal Trade Commission Act and the Federal Trade Commission may take enforcement action accordingly. (47 U.S.C. § 223a, subd. (a)(4).)

Existing federal law defines “covered platform” to mean a website, online service, online application, or mobile application that serves the public; and that primarily provides a forum for user-generated content, including messages, videos, images, games, and audio files; or for which it is in the regular course of trade or business of the website, online service, online application, or mobile application to publish, curate, host, or make available content of nonconsensual intimate visual depictions. Clarifies that “covered platform” does not include the following: a provider of broadband internet access service; a provider of electronic mail; or an online service, application, or website that consists primarily of content that is not user generated but is preselected by the provider of such online service, application, or website and for which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content described above. (47 U.S.C. § 223a, (note 3).)

Existing law makes it a misdemeanor for a person to intentionally distribute or cause to be distributed the image of the intimate body part or parts of another identifiable person, or an image of the person depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or masturbation in which the person depicted participates under circumstances in which the persons agree or understand that the image shall remain private, 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. (Pen. Code, § 647, subd. (j)(4)(A)(i).)

Existing law makes it a misdemeanor for a person to intentionally create and distribute or cause to be distributed any photo realistic image, digital image, electronic image, computer image, computer-generated image, or other pictorial representation of an intimate body part or parts of another identifiable person, or an image of the person depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or masturbation 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. Specifies that this offense does not apply to people who were under 18 years of age at the time the person committed the offense. (Pen. Code, § 647, subd. (j)(4)(A)(ii).)

Existing law states that the above crimes do not apply when:

- The distribution is made in the course of reporting an unlawful activity;
- The distribution is made in compliance with a subpoena or other court order for use in a legal proceeding;
- The distribution is made in the course of a lawful public proceeding;
- The distribution is related to a matter of public concern or public interest. Distribution is not a matter of public concern or public interest solely because the depicted individual is a public figure. (Pen. Code, § 647, subd. (j)(4)(D).)

This bill makes findings and declarations that adult victims of human trafficking often suffer harm from nonconsensual intimate images; that recent federal law creates a process for removing these images, but that victims need help navigating it; and that no mechanism exists in California for removal of such images.

This bill provides the following definitions:

- “Coercive production practices” includes the use of pressure, threats, deception, or manipulation to force individuals to create, share, or permit the use of imagery against their will.
- “Covered platform” means an online service that makes content publicly available.
- “Identifier” means a method capable of uniquely identifying a nonconsensual intimate image and preventing its reupload and may include, but is not limited to, cryptographic hash values, perceptual hashes, or other digital fingerprinting methods.
- “Nonconsensual intimate image” includes all of the following:
 - An authentic intimate image distributed without consent, including when an image is connected to human trafficking, fraud, sexual exploitation, or coercive production practices.
 - An image digitally altered or generated by artificial intelligence realistically depicting a person nude or engaged in sexual conduct without consent.
 - An image created when the depicted person was a minor, if the individual is now an adult.

- “Large covered platform” means a covered platform with 30,000,000 or more users.
- “Small covered platform” means a covered platform with less than 30,000,000 users.

This bill requires the DOJ to establish and maintain the Nonconsensual Intimate Image Clearinghouse to allow individuals who were exploited in California to submit a request for the removal of nonconsensual intimate images from covered platforms.

This bill requires the DOJ to:

- Maintain a secure internet portal to receive requests for the removal of nonconsensual intimate images. The request must be secured using hashing or other data security techniques. The department may temporarily possess submitted information for the purpose of verification and identifier generation. The department may not host, possess, or store nonconsensual intimate image content for any other purpose. The portal must provide information on the verification and removal process and the status of a previous request.
- Verify the identity of the requesting individual.
- Verify that the images are nonconsensual intimate images.
- Transmit verified identifiers of images and associated metadata to covered platforms. The department may work with nonprofit entities for the purposes of this paragraph.
- Maintain a secure database of verified identifiers associated with verified nonconsensual images, but not the images.
- Maintain strict privacy and data security.

This bill requires covered platforms to do the following:

- Accept verified notifications from the department and in the manner determined by the department.
- Search for matching identifiers of images within their systems.
- Remove verified matches within 48 hours of receipt.
- Prevent images with identical identifiers from being uploaded after removal.

This bill provides that a covered platform that receives a verified identifier from the department pursuant to this section has received formal notice that the associated imagery has been verified as nonconsensual. Provides that a covered platform that acts to remove content in good faith reliance on verification made by the department is not otherwise liable.

This bill provides that a small covered platform that violates this section is subject to a civil penalty of \$2,500 per violation. Provides that if the violation is determined to be intentional, it is subject to a civil penalty of \$7,500 per violation.

This bill provides that a large covered platform that violates this section is subject to a civil penalty of up to \$50,000 per violation. If the violation is determined to be malicious or knowing, it is subject to a civil penalty of up to 250,000 per violation.

This bill provides that each failure to remove a verified nonconsensual intimate image constitutes a separate violation of the provisions of this bill.

This bill clarifies that it does not create a private right of action. Requires that the DOJ will enforce the provisions of this bill.

This bill establishes the Nonconsensual Intimate Images Fund within the State Treasury. Requires that civil penalties imposed pursuant to the provisions of this bill be deposited in the Nonconsensual Intimate Images Fund. Requires that moneys in the fund be available, upon appropriation by the Legislature, to support ongoing operations of the Nonconsensual Intimate Image Clearinghouse.

This bill authorizes that the DOJ's verification process and any resulting records, including verified identifiers generated by the clearinghouse, to be used in a proceeding, subject to the Evidence Code and local rules.

This bill provides that the above provisions become operative on January 1, 2029.

This bill requires that a peace officer investigating the illegal distribution of intimate images must inform the victim that they can report the presence of nonconsensual intimate images found on the internet to the DOJ pursuant to the above provisions.

This bill requires a peace officer who is able to verify that a crime of illegal distribution of intimate images involves nonconsensual intimate images on the internet, as defined above, must provide that information to the DOJ, in a manner determined by the department.

COMMENTS

1. The Need For This Bill

The author writes:

Human trafficking survivors often endure long-lasting trauma from the persistent circulation of intimate images created through coercion, threats, deception, or manipulation. While federal law provides a framework for platforms to remove such content, victims frequently face significant barriers in navigating complex reporting processes. SB 1217 creates a secure, coordinated Nonconsensual Intimate Image Clearinghouse within the DOJ to verify requests, generate digital identifiers, and streamline notifications to covered platforms for timely removal. SB 1217 represents a thoughtful, victim-centered approach that complements federal efforts and empowers California to better protect survivors of exploitation and abuse.

2. Existing Criminal Law Governing Revenge Porn

In 2013, California enacted a law to criminalize "revenge porn." The law makes it a misdemeanor for a person to intentionally distribute an image that was intended to remain private of the intimate body parts of another or of the person depicted engaged in a sex act, if 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. (Pen. Code, § 647, subd. (j)(4).) When the law was originally enacted, the law did not include "selfies," however, the following

year the law was changed to include these types of images. (See SB 255 (Cannella), Chapter 466, Statutes of 2013; SB 1255 (Cannella), Chapter 863, Statutes of 2014.)

Following the passage of these laws, major leaders in technology changed their policies to better address nonconsensual images on their platforms:

Reddit, which was a major platform used by NCDII [nonconsensual distribution of intimate images] perpetrators, was the first to ban nonconsensual nude images in early 2015. Twitter and Facebook soon followed suit. Later that year, Google announced it would honor requests to remove intimate images that were posted without permission, marking a change from their previous commitment to wholly unregulated search results. The same year, the Federal Trade Commission took steps to remove major “revenge porn” sites such as IsAnybodyDown, IsAnyoneUp and UGotPosted by charging their owners with extortion, theft, hacking, and identity theft. This effectively upended the business model of “revenge porn” websites.

(Said and McNealey, *Nonconsensual Distribution of Intimate Images: Exploring the Role of Legal Attitudes in Victimization and Perpetration*, Journal of Interpersonal Violence Vol. 38, Iss. 7-8 (Sept. 9, 2022) <https://journals.sagepub.com/doi/full/10.1177/08862605221122834#body-ref-bibr8-08862605221122834> [as of Apr. 7, 2026].)

In 2024, SB 926 (Wahab), Chapter 289, Statutes of 2024, expanded the crime above to include distribution of AI-generated pornographic images. That bill made it a misdemeanor to create or distribute any photo realistic image, digital image, electronic image, computer image, computer-generated image, or other pictorial representation of an intimate body part or parts of another identifiable person or an image of the person depicted engaged in a sex act, if 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. (Pen. Code, § 647, subd. (j)(4)(A)(ii).)

3. The Federal TAKE IT DOWN Act

In 2025, the TAKE IT DOWN Act, or the Tools to Address Known Exploitation by Immobilizing Technological Deepfakes On Websites and Networks Act, made it a federal crime to knowingly share or threaten to share nonconsensual intimate images, including AI-generated images that depict real people. (47 U.S.C. § 223, subd. (h).)

The Act further required that covered platforms must establish a process whereby a person can notify the platform of an intimate visual depiction of the person published on the platform that was published without the consent of the individual and submit a request for the covered platform to remove such intimate visual depiction. Platforms were required to establish this process within one year of the bill’s enactment. (47 U.S.C. § 223, subds. (a)(1)(A)(i)-(ii).)

A covered platform must provide a clear and conspicuous notice of the removal process above that is easy to read, in plain language, and provides information regarding the responsibilities of the covered platform, including a description of how an individual can submit a notification and request for removal. (47 U.S.C. § 223, subds. (a)(2).)

Upon receiving a valid removal request from an identifiable individual (or an authorized person acting on behalf of such individual) using the process described above, a covered platform must, within 48 hours, remove the intimate visual depiction and make reasonable efforts to identify and remove any known identical copies of such depiction. (47 U.S.C. § 223, subds. (a)(3).)

Violations by platforms of the above provisions are considered an unfair or a deceptive act or practice under the Federal Trade Commission Act, and the Federal Trade Commission may take enforcement action to enforce these provisions. (47 U.S.C. § 223, subds. (a)(4).)

4. The Effect of This Bill

a. The Nonconsensual Intimate Image Clearinghouse

This bill establishes a Nonconsensual Intimate Image Clearinghouse within the DOJ to allow individuals who were exploited in California to submit a request for the removal of nonconsensual intimate images from covered platforms. This bill is modeled after the federal TAKE IT DOWN Act, with some differences. Most significantly, this bill centralizes the notification and removal process within the DOJ, rather than requiring victims to notify each platform individually, making the process easier for victims to navigate.

This bill requires the DOJ to:

- Maintain a secure internet portal to receive requests for the removal of nonconsensual intimate images. The request must be secured using hashing or other data security techniques. The department may temporarily possess submitted information for the purpose of verification and identifier generation. The department may not host, possess, or store nonconsensual intimate image content for any other purpose. The portal must provide information on the verification and removal process and the status of a previous request.
- Verify the identity of the requesting individual.
- Verify that the images are nonconsensual intimate images.
- Transmit verified identifiers of images and associated metadata to covered platforms. The department may work with nonprofit entities for the purposes of this paragraph.
- Maintain a secure database of verified identifiers associated with verified nonconsensual images, but not the images.
- Maintain strict privacy and data security.

This bill requires covered platforms to do the following:

- Accept verified notifications from the department and in the manner determined by the department.
- Search for matching identifiers of images within their systems.
- Remove verified matches within 48 hours of receipt.
- Prevent images with identical identifiers from being uploaded after removal.

A small covered platform that violates this section is subject to a civil penalty of \$2,500 per violation. If the violation is determined to be intentional, it is subject to a civil penalty of \$7,500 per violation.

A large covered platform that violates this section is subject to a civil penalty of up to \$50,000 per violation. If the violation is determined to be malicious or knowing, it is subject to a civil penalty of up to \$250,000 per violation.

For purposes of this bill, a “covered platform” means an online service that makes content publicly available. “Small covered platform” means a covered platform with less than 30,000,000 users. “Large covered platform” means a covered platform with 30,000,000 or more users.

“Nonconsensual intimate image” includes all of the following:

- An authentic intimate image distributed without consent, including when an image is connected to human trafficking, fraud, sexual exploitation, or coercive production practices. “Coercive production practices” includes the use of pressure, threats, deception, or manipulation to force individuals to create, share, or permit the use of imagery against their will.
- An image digitally altered or generated by artificial intelligence realistically depicting a person nude or engaged in sexual conduct without consent.
- An image created when the depicted person was a minor, if the individual is now an adult.

Each failure to remove a verified nonconsensual intimate image constitutes a separate violation of the provisions of this bill. This bill does not create a private right of action. Rather, the DOJ will enforce the provisions of this bill.

b. Police Officer Notification Regarding Nonconsensual Intimate Images

This bill further requires that a peace officer investigating the illegal creation or distribution of intimate images must inform the victim that they can report the presence of nonconsensual intimate images found on the internet to the DOJ pursuant to the above provisions. A peace officer who is able to verify that intimate images on the internet are nonconsensual, as defined above, as part of an investigation into the illegal creation or distribution of such images, must provide that information to the DOJ, in a manner determined by the department.

It is difficult to say how this verification provision will work in practice, because the process will be established in a manner determined by the DOJ. The bill says that peace officers “who are able to” verify must do so. What does it mean to be “able to”? The author may consider an amendment that would clarify that the peace officer is required to verify that the intimate images are nonconsensual if the officer possesses such knowledge. Such an amendment would provide clearer guidance to law enforcement.

5. Amendments

The author has agreed to take amendments within the Privacy Committee’s jurisdiction. However, given the timing of the two hearings on this bill, the amendments will be taken in this Committee. The amendments do the following:

- Revise the definition of “covered platform” to mean “an online service that makes *user-generated* content publicly available” (emphasis added).

- Clarify that “covered platform” does not include providers of broadband internet services.
- Exclude intimate images depicting minors as being eligible for the Clearinghouse process. This amendment was made due to concerns regarding sending sexual content of minors over the internet to DOJ. Minors can still use the federal process to remove images from individual platforms.
- Clarify that an intimate image depicts a person nude or engaged in sexual conduct.
- Define the terms “nude” and “sexual conduct.”

6. Argument in Support

California Survivor Coalition writes:

For survivors, the harm does not end when the trafficking ends. Nonconsensual intimate images are continuously reposted, reshared, and monetized across platforms...even years after prosecution. Survivors are retraumatized each time these images resurface, facing harassment, economic harm, and the enduring violation of knowing their exploitation remains publicly accessible.

While federal law under the TAKE IT DOWN Act requires platforms to remove NCII within 48 hours of valid notice, the burden of navigating that process remains entirely on the survivor. There is currently no centralized, trauma-informed system in California to assist victims in exercising this right. Survivors are left to repeatedly locate, document, and report their own abuse across countless platforms; an impossible and deeply harmful expectation.

SB 1217 directly addresses this gap by establishing a secure, state-administered clearinghouse within the DOJ. This system will allow survivors to submit verified requests for removal, after which the Department will authenticate the request, generate unique identifiers, and transmit them to covered platforms. Platforms will then be required to remove matching content within 48 hours and take reasonable steps to prevent its reupload.

This legislation is survivor-driven and solution-focused. It reflects what survivors have been asking for: a system that recognizes the ongoing nature of this harm and shifts the burden away from those who were exploited.

As one of our coalition members spearheading this effort, Mariah Reif, survivor of the federal *GirlsDoPorn* trafficking case in San Diego County, powerfully states:

“Current policy leaves survivors responsible for tracking and reporting their own online abuse, even after it has been verified and prosecuted. That means victims are effectively made responsible for stopping the spread of their own exploitation. Implementing an updated policy that hashes verified NCII and treats its redistribution as contraband would shift that burden off survivors and onto those who choose to recirculate verified abuse.”