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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Bill No:** SB 1276                      **Hearing Date:** April 14, 2026  
**Author:** Rubio  
**Version:** February 20, 2026  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** AB

**Subject:** *Crimes: sexual exploitation of a child*

## HISTORY

**Source:** Los Angeles City Attorney Hydee Feldstein Soto

**Prior Legislation:** SB 1381 (Wahab), Ch. 929, Stats. of 2024  
SB 933 (Wahab), held in Assembly Appropriations, 2024  
AB 1831 (Berman), Ch. 926, Stats. of 2024  
AB 1775 (Melendez), Ch. 264, Stats. of 2014  
AB 1734 (Frusetta), Ch. 1079, Stats. of 1996  
AB 927 (Honeycutt), Ch. 55, Stats. of 1994

**Support:** California District Attorneys Association; California Family Resource Association; California State Sheriffs' Association; California Teachers Association; Child Abuse Prevention Center; Prevent Child Abuse California; Safe Kids California; Sistahfriends; Strength United; The California Baptist Capitol Ministry

**Opposition:** None known

## PURPOSE

*The purpose of this bill is to expand the crime of sexual exploitation of a child to include downloading, streaming, or accessing through electronic or digital media specified depictions of a minor engaged in an act of sexual conduct, and to broaden the definition of "sexual exploitation" for the purposes of the Child Abuse and Neglect Reporting Act to include digitally altered or artificial-intelligence generated matter depicting a minor engaged in an act of sexual conduct, as specified.*

*Existing law prohibits, except as provided, the act of knowingly sending or causing to sent, or bringing or causing to be brought, into this state for sale or distribution, or possessing, preparing, publishing, producing, developing, duplicating, or printing in this state any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, or any digitally altered or artificial-intelligence-generated matter, with intent to distribute or to*

exhibit to, or to exchange with, others, or offering to distribute, distributing, or exhibiting to, or exchanging with, others, any obscene matter, knowing that the matter depicts a person under 18 years of age, or contains digitally altered or artificial-intelligence-generated data depicting what appears to be a person under 18 years of age, engaging in or simulating sexual conduct, as defined, punishable as a wobbler. (Pen. Code, § 311.1, subd. (a).)

*Existing law* prohibits the act of knowingly sending or causing to be sent, or bringing or causing to be brought, into this state for sale or distribution, or possessing, preparing, publishing, producing, developing, duplicating, or printing in this state, with intent to distribute or exhibit to others, or offering to distribute, distributing, exhibiting to others any obscene matter, punishable as a misdemeanor. (Pen. Code, § 311.2, subd. (a).)

*Existing law* provides that every person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state possesses, prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, or any digitally altered or artificial-intelligence-generated matter, with intent to distribute or to exhibit to, or to exchange with, others for commercial consideration, or who offers to distribute, distributes, or exhibits to, or exchanges with, others for commercial consideration, any obscene matter, knowing that the matter depicts a person under 18 years of age personally engaging in or personally simulating sexual conduct or that it contains a digitally altered or artificial-intelligence-generated depiction of what appears to be a person under 18 years of age engaging in such conduct is guilty of a felony. (Pen. Code, § 311.2, subd. (b).)

*Existing law* provides that every person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state possesses, prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, or any digitally altered or artificial-intelligence-generated matter, with intent to distribute or exhibit to, or to exchange with, a person 18 years of age or older, or who offers to distribute, distributes, or exhibits to, or exchanges with, a person 18 years of age or older any matter, knowing that the matter depicts a person under 18 years of age personally engaging in or personally simulating sexual conduct, or any obscene matter that contains a digitally altered or artificial-intelligence-generated depiction of what appears to be a person under 18 years of age engaging in such conduct, shall be guilty of a crime, punishable as a wobbler. (Pen. Code, § 311.2, subd. (c).)

*Existing law* prohibits knowingly sending or causing to be sent, or bringing or causing to be brought, into this state for sale or distribution, or possessing, preparing, publishing, producing, developing, duplicating, or printing in this state any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner any film, filmstrip, or any digitally altered or artificial-intelligence-generated matter, with intent to distribute or exhibit to, or to exchange

with, a person under 18 years of age, or offering to distribute, distributing, or exhibiting to, or exchanging with, a person under 18 years of age any matter, knowing that the matter depicts a person under 18 years of age personally engaging in or personally simulating sexual conduct, or any obscene matter that contains a digitally altered or artificial-intelligence-generated depiction of what appears to be a person under 18 years of age engaging in such conduct, punishable as a felony. (Pen. Code, § 311.2, subd. (d).)

*Existing law* provides that every person who, with knowledge that a person is a minor, or who, while in possession of any facts on the basis of which they should reasonably know that the person is a minor, hires, employs, or uses the minor to do or assist in specified acts relating to the creation and dissemination of child sexual abuse material (CSAM), shall be punished by imprisonment in the county jail for up to one year, or by a fine not exceeding \$2,000, or by both that fine and imprisonment, or by imprisonment in the state prison. (Pen. Code, § 311.4, subd. (a).)

*Existing law* provides that every person who, with knowledge that a person is a minor under 18 years of age, or who, while in possession of any facts on the basis of which they should reasonably know that the person is a minor under 18 years of age, knowingly promotes, employs, uses, persuades, induces, or coerces a minor under 18 years of age, or any parent or guardian of a minor under 18 years of age who is under their control who knowingly permits the minor, to engage in or assist others to engage in either posing or modeling alone or with others for purposes of preparing any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, digitally altered or artificial-intelligence-generated matter, or live performance, involving sexual conduct by a minor under 18 years of age alone or with other persons or animals, for commercial purposes, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years. (Pen. Code, § 311.4, subd. (b).)

*Existing law* provides that every person who, with knowledge that a person is a minor under 18 years of age, or who, while in possession of any facts on the basis of which they should reasonably know that the person is a minor under 18 years of age, knowingly promotes, employs, uses, persuades, induces, or coerces a minor under 18 years of age, or any parent or guardian of a minor under 18 years of age who is under their control who knowingly permits the minor, to engage in or assist others to engage in either posing or modeling alone or with others for purposes of preparing any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, digitally altered or artificial-intelligence-generated matter, or live performance, involving sexual conduct by a minor under 18 years of age alone or with other persons or animals, is guilty of a felony. (Pen. Code, § 311.4, subd. (c).)

*Existing law*, for the purposes of all of the preceding provisions, defines “sexual conduct” as any of the following, whether actual or simulated: sexual intercourse, oral copulation, anal intercourse, anal oral copulation, masturbation, bestiality, sexual sadism, sexual masochism, penetration of the vagina or rectum by any object in a lewd or lascivious manner, exhibition of

the genitals or pubic or rectal area for the purpose of sexual stimulation of the viewer, any lewd or lascivious sexual act, as defined, or excretory functions performed in a lewd or lascivious manner, whether or not any of the above conduct is performed alone or between members of the same or opposite sex or between humans and animals. An act is simulated when it gives the appearance of being sexual conduct. (Pen. Code, § 311.4, subd. (d).)

*Existing law* provides that a person is guilty of sexual exploitation of a child if that person knowingly develops, duplicates, prints, or exchanges any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, or any digitally altered or artificial-intelligence-generated matter that depicts a person under 18 years of age engaged in an act of sexual conduct, punishable as a misdemeanor for a first offense and as a felony for any second or subsequent offense. (Pen. Code, § 311.3, subd. (a).)

*Existing law* specifies that it is not necessary to prove that the matter is obscene in order to establish the violation above. (Pen. Code, § 311.3, subd. (b).)

*Existing law* provides that the crime of sexual exploitation of a child does not apply to law enforcement and prosecution agencies, to legitimate medical, scientific, or education activities, or to lawful conduct between spouses. (Pen. Code, § 311.3, subd. (d).)

*Existing law*, for the purposes of the crime of sexual exploitation of a child, defines “sexual conduct” as any of the following:

- Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.
- Penetration of the vagina or rectum by any object.
- Masturbation for the purpose of sexual stimulation of the viewer.
- Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.
- Exhibition of the genitals or the pubic or rectal area of any person for the purpose of sexual stimulation of the viewer.
- Defecation or urination for the purpose of sexual stimulation of the viewer. (Pen. Code, § 311.3, subd. (c).)

*This bill* expands the crime of sexual exploitation of a child to apply to anyone who downloads, streams, or accesses through electronic or digital media any representation of information, data, or image, as specified above, that depicts a person under 18 years of age engaged in an act of sexual conduct.

*This bill* specifies that the crime of sexual exploitation of a child does not apply to a child under 18 years of age alleged to have solely engaged in viewing sexual conduct through a video stream.

*Existing law* establishes the Child Abuse and Neglect Reporting Act (CANRA) which is generally intended to protect children from abuse and neglect with a focus on the needs of the victim. (Pen. Code, § 11164.)

*Existing law* defines “neglect” under CANRA as the negligent treatment or the maltreatment of a child by a person responsible for the child’s welfare under circumstances indicating harm or threatened harm to the child’s health or welfare. The term includes both acts and omissions on the part of the responsible person. (Pen. Code, § 11165.2)

*Existing law* defines “severe neglect” under CANRA as the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. “Severe neglect” also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as specified, including the intentional failure to provide adequate food, clothing, shelter, or medical care. (Pen. Code, § 11165.2, subd. (a).)

*Existing law* defines “child abuse or neglect” under CANRA to include physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse as defined, neglect as defined, the willful harming or injuring of a child or the endangering of the person or health of a child as defined, and unlawful corporal punishment or injury. “Child abuse or neglect” does not include a mutual affair between minors. “Child abuse or neglect” does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Pen. Code, § 11165.6.)

*Existing law* requires any mandated reporter who has knowledge of or observes a child, their professional capacity or within the scope of their employment whom they know or reasonably suspect has been the victim of child abuse or neglect, to report it as specified, to any police or sheriff’s department, a county probation department if designated by the county to receive mandated reports, or the county welfare department. (Pen. Code, §§ 11166, subd. (a), 11165.9.)

*Existing law*, for the purposes of CANRA, specifies that “sexual abuse” means sexual assault or sexual exploitation as defined by the following:

- “Sexual assault” means illegal sexual conduct as defined in several specified sections of the Penal Code, including provisions criminalizing rape, statutory rape, rape in concert, incest, sodomy, oral copulation, lewd or lascivious acts upon a child, sexual penetration, or child molestation, as specified.
- “Sexual exploitation” refers to the following:
  - Conduct involving matter depicting a minor engaged in obscene acts in violation of the existing prohibition against preparing, selling or distributing obscene matter (Section 311.2) or against the employment of a minor to perform obscene acts (Section 311.4).
  - A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a person responsible for a child’s welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this provision, “person

responsible for a child’s welfare” means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

- A person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except as provided. (Pen. Code, § 11165.1.)

*This bill* expands the definition of “sexual exploitation” for the purposes of CANRA to include a person who depicts a child in , or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges digitally altered or artificial-intelligence- generated matter that depicts a person under 18 years of age engaged in an act of sexual conduct.

## COMMENTS

### 1. Need For This Bill

According to the author:

Every child deserves to be safe and California law must reflect that without exception. As technology evolves, so do the methods predators use to exploit children. Livestreaming platforms and AI-generated content have created dangerous new loopholes that bad actors are actively using to harm minors, and our current laws have not kept pace. SB 1276, the End Child Exploitation Act, closes those loopholes once and for all. This bill amends the Penal Code to make clear that knowingly watching a livestream of a minor engaged in sexual conduct is a crime, full stop. It also updates the definition of sexual exploitation to specifically include AI-generated and digitally altered images or videos that depict minors in sexual acts. The technology may be new, but the harm is just as real, and the law should treat it that way. No technicality should stand between a child and justice. No predator should escape accountability simply because they exploited a gap in the law. SB 1276 sends an unambiguous message: California will not tolerate the sexual exploitation of children in any form. I am proud to author this bill and call on my colleagues to stand with California’s children. Protecting the most vulnerable among us is not a partisan issue, it is a moral obligation.

### 2. Sexual Exploitation of a Child

California law includes a robust statutory scheme prohibiting the creation, possession, and transfer of obscene matter and child pornography. Among these laws is the crime of sexual exploitation of a child (section 311.3 of the Penal Code), which was added to the existing statutory scheme in 1981 to target individuals who contribute to the proliferation of child pornography.<sup>1</sup> It was around this time that the Supreme Court of the United States recognized

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<sup>1</sup> Ch. 1056, Stats. of 1981

that “the exploitive use of children in the production of pornography has become a serious national problem [...] the prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance.<sup>2</sup> Section 311.3 specifically prohibits the knowing development, duplication, printing or exchanging of any representation of information, data or image that depicts a person under 18 years of age engaged in an act of sexual conduct.<sup>3</sup> The purpose of section 311.3 is:

To protect children from sexual abuse and invasion of their privacy rights through the development and duplication of photographs, movies and video tapes depicting them engaged in sexual conduct. Legally incapable of consent, these children are perpetually exploited, first by the original performance of these acts; then by the creation of a permanent record of the conduct; again each time that record is reproduced; and then again when that photograph, film or video tape is viewed or passed on to another. In addition, these materials are used to induce *other* children to engage in sexual activity.<sup>4</sup>

Further, the legislative history of section 311.3 indicates that the law was designed “to deter pedophiles from exchanging pictures of minors and to prevent child molesters from using pictures of minors engaged in sexual conduct to suggest to their victims that such acts are acceptable.”<sup>5</sup> In the mid 1990s, the law was updated to apply to new innovations in computer technology, prohibiting representations of information, data or images contained on a host of new media, including laser discs, computer hardware, computer software, CD-ROM, and others.<sup>6</sup> In 2024, this provision of the statute was once again amended to bring it into alignment with modern technologies, prohibiting the aforementioned conduct (development, duplication, etc.) of representations of child pornography that incorporate any “digitally altered or artificial-intelligence-generated matter.”<sup>7</sup>

Under Section 311.3, a violation of the proscribed conduct is punishable as an aggravated misdemeanor by one year in county or a fine of \$2,000 or both, and as a state prison felony if the person was previously convicted of a crime involving obscene matter. While many of the other child pornography-related crimes in California law require that the matter in question meet a statutory definition of “obscenity” for criminal liability to attach, section 311.3 does not, specifying that it is not necessary for a prosecutor to prove that the matter is obscene in order to establish a violation.<sup>8</sup> Other provisions include a definition of “sexual conduct” for the purposes of the statute, and several narrow exceptions to liability for specified entities and conduct, including for matter that is unsolicited and is received without knowledge or consent through a facility, system, or network over which the person or entity has no control.<sup>9</sup> It should be noted that a conviction under section 311.3 requires sex offender registration.<sup>10</sup>

This bill expands the scope of conduct rendering one liable for the crime of sexual exploitation of a child to include knowingly downloading, streaming or accessing through electronic or

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<sup>2</sup> *New York v. Ferber* (1982) 458 U.S. 747, 749, 757.

<sup>3</sup> Pen. Code, § 311.3, subd. (a).

<sup>4</sup> *In re Duncan* (1987) 189 Cal.App.3d 1348, 1358-59.

<sup>5</sup> *Id.* at p. 1359, citing Rep. of the Sen. Com. on Jud. on Sen. Bill No. 331 (1981-1982 Reg. Sess.), p. 2.

<sup>6</sup> AB 927 (Honeycutt), Ch. 55, Stats. of 1994

<sup>7</sup> SB 1381 (Wahab), Ch. 926, Stats. of 2024.

<sup>8</sup> Pen. Code, § 311.3, subd. (b).

<sup>9</sup> Pen. Code, § 311.3, subds. (d), (f), (g).

<sup>10</sup> Pen. Code, § 290, subd. (c)(1).

digital media, any of the content listed in section 311.3. Notably, this addition harmonizes the conduct constituting sexual exploitation of a child with that described in the definition of that crime that is used in the Child Abuse and Neglect Reporting Act (CANRA), which was amended in 2014 to include downloading, streaming or accessing prohibited content through electronic or digital media (see comment 3 for additional discussion).<sup>11</sup> The bill additionally creates an exemption to the crime of sexual exploitation of a minor for a child under 18 years of age alleged to have solely engaged in viewing sexual conduct through a video stream.

Given that the bill seeks to criminalize additional conduct under section 311.3, and that the terms “download” and “stream,” while perhaps colloquially understood, are not clearly defined in statute, the author and Committee may wish to consider defining these terms to clarify exactly what conduct is proscribed. In *Matthews v. Beccera* (2019) 8 Cal.5th 756, the California Supreme Court heard a challenge to CANRA’s requirement that mandated reporters (in this case, psychotherapists) must disclose when patients communicate that they have developed, downloaded, streamed, or accessed child pornography through electronic or digital media on the basis that such a requirement violated a cognizable privacy interest under the California Constitution. The Court ruled that the mandated reporters in this case did have a protected privacy interest in their communications during voluntary therapy sessions, and, notably, did not seek to define “download” and “stream,” and expressed “no view on whether the term ‘duplicates’ as used in CANRA [...] encompasses downloading or streaming a file from the internet.”<sup>12</sup> The dissent, however, usefully expands on the precise definitions of “downloading” and “streaming” to argue that such actions inherently involve making a duplicate:

- *Downloading* is a “process by which a complete audio or video clip is delivered to and stored on a consumer’s computer,” and also means “to transmit a file or program from a central computer to a smaller computer or a computer at a remote site.”
- *Streaming* “content from the internet involves making a ‘temporary buffer’ copy of a video file, which is destroyed as the video is played,” and is also defined as “delivering audio or video signals in real time, without waiting for a while file to download before playing.”<sup>13</sup>

Defining these terms would also be helpful in clarifying, for the purposes of the bill’s exemption for minors solely engaged in viewing sexual conduct through a video stream, how “streaming” may be distinct, if at all, from “accessing through electronic or digital media.”

### 3. The Child Abuse and Neglect Reporting Act

CANRA was enacted in 1980 for the purpose of protecting children from abuse and neglect, which it seeks to accomplish via a comprehensive reporting scheme aimed toward increasing the likelihood that child abuse victims will be identified.<sup>14</sup> CANRA requires persons in positions where abuse is likely to be detected – known as “mandated reporters” – to promptly report all suspected and known instances of child abuse and neglect to the relevant authorities, and identifies nearly 50 separate categories of mandated reporters, including teachers, school

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<sup>11</sup> AB 1775 (Melendez), Ch. 264, Stats. of 2014; Pen. Code, §§ 11164 et. seq.

<sup>12</sup> *Matthews v. Beccera*, at p. 777.

<sup>13</sup> *Id.* at 793, citing *Video Pipeline, Inc. v. Buena Vista Home Entertainment, Inc.* (D.N.J. 2003) 275 F.Supp.2d 543, 549, fn. 2; Martin & Newhall, *Criminal Copyright Enforcement Against Filesharing Services* (2013) 15 N.C.J. L. & Tech. 101, 119, fn. 97; and Barron’s Dict. of Computer and Internet Terms (12th ed. 2017) pp. 152, 472.

<sup>14</sup> *Ferraro v. Chadwick* (1990) 221 Cal.App.3d 86, 90.

employees, doctors, athletic coaches, police officers, firefighters, social workers, and persons whose duties require direct contact with and supervision of minors, among many others.<sup>15</sup> A mandated reporter must make a report when they have knowledge of or observe a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.<sup>16</sup> The report must be made to one of several specified agencies designated to receive such reports, including police departments, sheriff’s departments, county probation departments, or county welfare offices, as specified.<sup>17</sup> Failure to report as required under CANRA is a misdemeanor.<sup>18</sup>

For the purposes of CANRA, “child abuse or neglect” is defined to include physical injury or death inflicted by other than accidental means upon a child by another person, *sexual abuse* as defined, neglect as defined, the willful harming or injuring of a child or the endangering of the person or health of a child, as defined, and unlawful corporal punishment or injury as defined.<sup>19</sup> CANRA defines “sexual abuse” broadly, both by reference to existing crimes and by establishing definitions for “sexual assault” and “sexual exploitation,” both of which fall under the ambit of “sexual abuse.”<sup>20</sup> Of particular relevance to this bill, “sexual exploitation” under CANRA refers to any of the following:

- Conduct involving depicting a minor engaged in obscene acts, including preparing, selling or distributing obscene matter (in violation of Penal Code section 311.2) and employment of a minor to perform obscene acts (in violation of section 311.4).
- A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a person responsible for a child’s welfare (parent, guardian, foster parent, or a specified employee of a residential home for children), who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct.
- A person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for individuals and activities exempted in section 311.3.<sup>21</sup>

This bill modifies the definitional provision in the third bullet point immediately above to harmonize it with the definition of sexual exploitation in section 311.3. Specifically, the bill adds “digitally altered or artificial-intelligence-generated matter” to the list of media depicting a person under 18, and strikes the term “obscene” in favor of defining sexual conduct in reference to the definition of that term in section 311.3. The practical effect of this modification is that because mandated reporters must report all instances of sexual exploitation, and the reporting requirement is triggered by the nature of the material or conduct and not the ability to identify a

<sup>15</sup> Pen. Code, § 11165.7, subd. (a)(1)-(49).

<sup>16</sup> Pen. Code, § 11166, subd. (a).

<sup>17</sup> Pen. Code, §§ 11165.7, 11166, subd. (a).

<sup>18</sup> Pen. Code, § 11166, subd. (c).

<sup>19</sup> Pen. Code, § 11165.6

<sup>20</sup> Pen. Code, § 11165.1, subds. (a), (b).

<sup>21</sup> Pen. Code, § 11165.1, subd. (c).

specific victim or perpetrator,<sup>22</sup> the bill requires mandated reporters to report any knowledge or reasonable suspicion of digitally altered or artificial-intelligence generated matter that depicts a person under 18 engaged in sexual conduct.

#### 4. Argument in Support

According to the California District Attorneys Association:

Under existing law, Penal Code section 311.3 criminalizes conduct involving the sexual exploitation of a minor in the production of child sexual abuse material (CSAM). Separately, CANRA defines “sexual exploitation” for purposes of mandatory reporting by professionals who are required to report suspected child abuse or neglect. Differences between these definitions can create confusion for mandated reporters and those responsible for enforcing the law.

SB 1276 resolves this inconsistency by harmonizing these definitions, ensuring that the conduct triggering mandatory reporting obligations aligns with the criminal statute addressing sexual exploitation. This clarification will promote more effective reporting, investigation, and prosecution of crimes involving the exploitation of children. Additionally, SB 1276 clarifies that a person who knowingly watches a video stream of child sexual abuse material (CSAM) falls within the scope of Penal Code section 311.3. As technology evolves, offenders increasingly access CSAM through live or streamed formats rather than through downloaded files. Ensuring that knowingly viewing such streamed material is covered by the statute closes a potential gap in the law and strengthens the ability of prosecutors to hold offenders accountable.

Protecting children from sexual exploitation is a critical priority for prosecutors and law enforcement across California. By improving statutory consistency and clarifying that streamed CSAM falls within the scope of Penal Code section 311.3, SB 1276 strengthens the framework that supports the identification and prosecution of those who exploit children.

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<sup>22</sup> See Pen. Code, § 11167.