SENATE COMMITTEE ON APPROPRIATIONS
Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1276 (Rubio) - Crimes: sexual exploitation of a child

Version: February 20, 2026
Urgency: No
Hearing Date: April 27, 2026

Policy Vote: PUB. S. 6 - 0
Mandate: Yes
Consultant: Bob Franzoia

Bill Summary: SB 1276 would 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. A person who downloads, streams or accesses the specified depictions through electronic or digital media would be guilty of a misdemeanor or a felony.

Fiscal Impact: Cost pressures to the courts to adjudicate charges pertaining to AI-generated child sexual abuse material (CSAM), possibly in the hundreds of thousands of dollars annually. Actual costs will depend on the number of charges filed and the amount of time needed to adjudicate each case. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a need for increased funding for courts from the General Fund. The Governor's 2026-27 budget proposes $70 million ongoing from the General Fund to backfill declining revenue to the Trial Court Trust Fund.

Costs to the counties and the California Department of Corrections and Rehabilitation (CDCR) to incarcerate people convicted of CSAM offenses through AI-generated content. Actual incarceration costs will depend on the number of convictions, the length of each sentence, and whether each sentence must be served in county jail or state prison. The average annual cost to incarcerate one person in county jail ranges up to $80,000. The average annual cost to incarcerate one person in state prison is $138,000 for 2026-27(local funds, General Fund).

In 2023, CDCR admitted more than 100 people to state prison whose principal offense was one of the crimes affected by this bill. If 10 to 20 additional people are admitted to CDCR for AI-generated CSAM offenses, CDCR will incur incarceration costs of $1,380,000 to $2,760,000 annually for each year of their incarceration, collectively.

Although county incarceration costs are generally not considered reimbursable state mandates pursuant to Proposition 30 (2012), overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from 2011 public safety realignment.

Background: Existing law establishes the Child Abuse and Neglect Reporting Act which is intended to protect children from abuse and neglect with a focus on the needs of the victim.

Proposed Law: 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.

A person guilty of CSAM through the use of AI altered or generated matter shall be punished by a fine of not more than $2,000 or by incarceration in county jail for not more than one year, or both. A person previously convicted of this or a similar violation specified in Penal Code 311.3 shall be incarcerated in state prison.

For a felony second offense, Penal Code 311.3 sets punishment to be 16 months in jail or 2 or 3 years in state prison (though Three Strikes law and other enhancements may up that prison stay). However, the estimates for incarceration should consider not only Penal Code 311.3 but all offenses in Chapter 7.5 of Title 9 of Part 1 of the Penal Code.

Related Legislation: SB 1381 (Wahab), Chapter 929/2026 expands existing provisions of law related to child pornography and obscene matter depicting a minor engaged in sexual conduct to include matter that is digitally altered or generated by the use of artificial intelligence.

SB 933 (Wahab) 2024, proposed that the Penal Code statutes related to CSAM define “computer-generated images” to include images generated by AI depicting a person under the age of 18. The bill required the Department of Justice (DOJ) to include information about violations that involve AI-generated CSAM in its annual crime reports. SB 933 was held on the Assembly Appropriations Committee Suspense File.

AB 1831 (Berman), Chapter 926/2024 would add to the definition of "obscene matter" and "matter," any "digitally-altered or artificial-intelligence-generated matter," as it pertains to images of persons under the age of 18 engaged in sexual conduct, as specified.