

Date of Hearing: July 1, 2026

Fiscal: Yes

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

SB 1276 (Rubio) – As Introduced February 20, 2026

SENATE VOTE: 33-0

SUBJECT: Crimes: sexual exploitation of a child

SYNOPSIS

California has a robust statutory scheme to protect children from sexual exploitation. Additionally, the Child Abuse and Neglect Reporting Act (CANRA) designates certain persons as “mandated reporters” who are required to report suspected abuse to relevant authorities. Nevertheless, emerging technologies such as artificial intelligence (AI) and livestreaming have enabled a new class of pedophiles to access and proliferate child sexual abuse content, presenting new and unique challenges for law enforcement who often struggle to keep pace with the new technologies.

This bill aims to address emerging technologies such as streaming by expanding the crime of sexual exploitation of a child to include downloading, streaming, or accessing through electronic or digital media depictions of a minor engaged in a sexual act. Additionally, this bill updates the definition of sexual exploitation in CANRA to include a person who knowingly engages with digitally altered or AI-generated matter depicting a child engaged in a sexual act. These changes harmonize the crime of sexual exploitation of a child with the definition of sexual exploitation in CANRA.

This bill is sponsored by the Los Angeles City Attorney and supported by, amongst others, the California Teachers Association, the American Association of University Women, the California District Attorneys Association, and the California State Sheriffs’ Association. The bill is opposed by the California Attorneys for Criminal Justice.

This bill was previously heard by the Public Safety Committee, where it passed on a 9-0 vote.

EXISTING LAW:

- 1) Prohibits, except as provided, 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 any representation of information, data, or image, including, but not limited to specified media, 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, and is punishable as an alternate-felony-misdemeanor. (Pen. Code, § 311.1(a).)

- 2) 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 specified media 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(b).)
- 3) 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 specified media 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(c).)
- 4) 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 specified media 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(d).)
- 5) 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 (Compact Disc Read-Only Memory), 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(a).)

- 6) For the purposes of the crime of sexual exploitation of a child, defines “sexual conduct” as any of several enumerated sexual acts. (Pen. Code, § 311.3(c).)
- 7) 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.)
- 8) Provides that a person is guilty of a crime if they 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 a sexual act by the person depicted or in which the person depicted participates 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. (Pen. Code, § 647).
- 9) Requires social media platforms to provide a mechanism for a reporting user who is a California resident to report sexually explicit digital identity theft to the platform. (Bus. & Prof. Code § 22671).

THIS BILL:

- 1) 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 that depicts a person under 18 years of age engaged in an act of sexual conduct.
 - a. Exempts a child under 18 years of age alleged to have solely engaged in viewing sexual conduct through a video stream.
- 2) Expands the definition of “sexual exploitation” under 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 AI-generated matter that depicts a person under 18 years of age engaged in an act of sexual conduct.

COMMENTS:

- 1) **Author’s statement.** 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) Criminalizing child sexual exploitation. California has a robust and longstanding statutory scheme prohibiting the creation, possession, and transfer of child pornography, often referred to as child sexual abuse material. Under section 311.3 of the California Penal Code, 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 is classified as sexual exploitation of a child. According to the Court of Appeals of California:

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.¹

Since its enactment in 1981, section 311.3 has been updated several times to address emerging technologies. According to the Senate Public Safety's analysis of SB 1276:

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.² 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.”³

3) Artificial intelligence (AI) and child sexual exploitation. The advent of generative AI (sometimes referred to as GenAI or GAI) has reshaped much of modern life, from helping draft emails to teaching high schoolers calculus. However, the ability to generate realistic audio, text, and images has also enabled bad actors to create and disseminate child sexual abuse materials to wider audiences. In order for GenAI to create realistic images and text, the software must first be trained on thousands of datapoints, collected from across the internet, often through conducting “scrapes” of all available images and text found online. Thus, real images of real people go into the training datasets that help develop these programs, victimizing real people whose images are then used to generate realistic AI child sexual exploitation content.

Additionally, evidence suggests that using AI technology to produce child sexual and other sexualizing content of children – such as using AI companions that mimic a child's voice and likeness – may reinforce fantasies of abuse and may, consequently, drive pedophiles to commit

¹ *In re Duncan* (1987) 189 Cal.App.3d 1348, 1358-59.

² AB 927 (Honeycutt), Ch. 55, Stats. of 1994

³ SB 1381 (Wahab), Ch. 926, Stats. of 2024.

hands-on acts of child abuse and sexual exploitation.⁴ Given the real harms that may befall children due to GenAI child sexual exploitation content, in 2024 California updated its sexual exploitation statutes to include digital and AI-generated images of children.

Despite increasing state regulations criminalizing the possession, distribution, and development of GenAI child sexual abuse content, reports of this content continue to proliferate. According to the National Center for Missing and Exploited Children (NCMEC), 2024 saw a record increase in AI-generated child sexual abuse materials reports (commonly referred to as CSAM), with over 67,000 cases reported.⁵ As detailed in NCMEC's 2025 report on the trends in the tips received on their CyberTipline:

NCMEC continues to hear from many children and families who have been harmed by the use of AI technology in the exploitation of children. Reports to the CyberTipline in 2025 included 1.5 million reports of exploitation with a GAI nexus. Of the total volume, more than 1.1 million reports submitted by Amazon AI Services related to the detection of potential CSAM within AI training datasets. Those reports did not include actionable offender or victim-related information.⁶ Excluding those submissions, more than 182,000 reports involved offenders possessing, generating or attempting to generate GAI CSAM, underscoring the increasing role of generative AI in enabling and scaling child sexual exploitation and abuse. This also includes the revictimization of known victims of CSAM with offenders using AI to manipulate existing abusive imagery to create new content. Since 2023, when we started tracking the use of GAI, more than 275 victims of GAI CSAM have been identified, and more than 158,000 images and videos have been categorized as GAI CSAM.⁷

4) **CANRA.** Enacted in 1980, the Child Abuse and Neglect Reporting Act (CANRA) seeks to protect children from abuse and neglect via a comprehensive reporting scheme that 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 relevant authorities. CANRA identifies nearly 50 separate categories of mandated reporters, including teachers, school employees, doctors, athletic coaches, police officers, firefighters, social workers, and individuals who are in direct contact or supervision of minors.⁸

Under CANRA, the definition of “sexual abuse” is broadly defined, capturing both the definitions of “sexual assault” and “sexual exploitation” as well as by referencing existing crimes. This bill adds digital and AI generated images to the definition of sexual exploitation in CANRA. Since the duty to report is triggered by the nature of the material or conduct and not the ability to identify a specific victim or perpetrator, the bill requires mandated reporters to report any knowledge or reasonable suspicion of digitally altered or AI-generated matter that depicts a

⁴ Tegan Insoll, A. Ovaska, and N. Vaaranen-Valkonen, “CSAM Users in the Dark Web: Protecting Children Through Prevention,” *Protect Children*, (Sep. 2021), p. 16, <https://www.suojellaanlapsia.fi/en/post/csam-users-in-the-dark-web-protecting-children-through-prevention>, (Insoll et al., “CSAM Users in the Dark Web.”).

⁵ WeProtect Global Alliance, *Global threat Assessment 2025*, (2025), <https://www.weprotect.org/global-threat-assessment-25/>.

⁶ “Amazon’s efforts to combat child sexual exploitation and abuse material,” *Amazon News*, (Apr. 21, 2026), <https://www.aboutamazon.com/news/policy-news-views/amazon-csam-transparency-report-2025>.

⁷ National Center for Missing and Exploited Children, *2025 CyberTipline Report*, (2025), <https://ncmec.org/gethelpnow/cybertipline/cybertiplinedata>.

⁸ Pen. Code § 11165.7.

person under 18 engaged in sexually explicit conduct, including AI or digitally generated images.

5) Livestreaming. Livestreaming refers to the recording and broadcasting of video footage over the internet in real time. Almost every social media platform allows livestreaming in some form, either by directly allowing person-to-person livestreaming such as on WhatsApp or Discord, or by allowing a user to stream directly to thousands of followers such as on TikTok Live, Facebook Live, YouTube, Snapchat, and Twitch. Streaming also captures video call software such as Microsoft Teams and Zoom. Livestreaming, unlike other forms of internet communication, disappears after the stream ends unless it is recorded, leaving little record of the content.

Livestreaming is increasingly being used to allow pedophiles to watch children being sexually assaulted in real time, with trace records of the abuse once the livestream ends. The majority of the victims of child sexual abuse are young girls, with some statistics putting the number as high as 99 percent of all content depicting children featuring girls being sexually assaulted, with the average age of the victim falling between three and thirteen years old.⁹ The vast majority of individuals convicted for possession of child pornography are men, with the United States Sentencing Commission reporting that 98.8 percent of all convicted individuals from 2019-2023 were men with the average age of 41 years old.¹⁰ Thus, the creation, possession, and distribution of content depicting children being sexually-assaulted is a heavily gendered-issue, and the discrepancies in the genders of abusers and victims should be considered during discussions of child sexual exploitation.

According to the United States Department of Justice (DOJ), there are generally three types of livestreaming child sexual exploitation (LCSE): child “self-generated,” offender-streaming, and virtual child sex trafficking. The DOJ defines these three categories of livestreaming child sexual exploitation as follows:

Child “Self-Generated”: This type of LCSE occurs when an offender coerces, tricks, or otherwise compels children to engage in sexually explicit conduct on a livestream, typically from the child’s bedrooms or a bathroom. In some cases, this activity occurs under the pretext of the offender and victim being in a romantic relationship.

Offender-streaming: Offender-streaming LCSE occurs when an offender sexually abuses a child in person while livestreaming the abuse to viewers. The offender is usually someone who knows, and has easy access to, the victim, such as a family member or a family friend. The viewers may not know each other in real life. They often participate in the activity by requesting that specific sex acts be committed.

Virtual Child Sex Trafficking: In this form of LCSE, offenders pay to watch while another offender sexually abuses a child in person or offenders pay a victim directly to create “self-

⁹ “Online child sexual abuse and exploitation statistics,” *Thorn*, (Mar. 3, 2026), <https://safer.io/resources/csam-problem-of-epidemic-proportions/>.

¹⁰ The United States Sentencing Commission, *Quick Facts: Child Pornography Offenses*, (2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Child_Pornography_FY23.pdf. Given that men represent the vast majority of convictions for possessing child sexual assault content and girls represent the majority of victims of child sexual abuse, this analysis will refer to perpetrators of these crimes as men, rather than using gender neutral terms.

generated” CSAM. Because of the interactive nature of livestreaming platforms, offenders can request specific sexual abuse acts for an additional cost. Payment is usually made digitally. This offense often involves offenders in the United States and facilitators and children in foreign countries. Children may be transported from rural areas of that foreign country to urban settings in furtherance of this crime.¹¹

Livestreaming the children being sexually assaulted is becoming an increasing problem for law enforcement, due in part to the explosion of livestreaming technologies following the COVID-19 pandemic. According to a 2021 survey of individuals who watch children being sexually assaulted in videos and otherwise, nearly half of all respondents had livestreamed children being sexually assaulted (45 percent), a statistic that is likely only growing given the widespread availability of livestreaming opportunities.¹² Given that livestreaming is rarely preserved on the platform that broadcasts it, combined with the fact that most social media and streaming platforms do not voluntarily monitor their platforms for sexual assaults occurring over livestreaming, catching and preventing livestreamed sexual abuse can prove exceedingly difficult.

6) What this bill would do. This bill makes a person guilty of a misdemeanor or felony if the person downloads, streams, or accesses through electronic or digital media depictions of a minor engaged in a sexual act. By classifying the act of knowingly streaming child sexual abuse as a crime under California law, this bill attempts to keep pace with emerging technologies and to continue to hold accountable men who use these technologies to perpetrate harm. Additionally, this bill broadens the definition of “sexual exploitation” under the CANRA to include a person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, or accesses through any electronic or digital media any digitally altered or AI-generated materials that depict a person under 18 years of age engaged in a sexual act. By expanding this definition, this bill aims to bring the definitions of sexual exploitation under the CANRA into alignment with current criminal statutes.

ARGUMENTS IN SUPPORT: California District Attorneys Association write in support:

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

¹¹ U.S. Department of Justice, *Livestreaming Child Sexual Exploitation*, (June 2023), p. 1, https://www.justice.gov/d9/2023-06/livestreaming_and_virtual_child_sex_trafficking_2.pdf.

¹² Insoll et al., “CSAM Users in the Dark Web,” p. 31.

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.

ARGUMENTS IN OPPOSITION: In opposition to the bill, California Attorneys for Criminal Justice argues:

Child pornography is morally repugnant. However, what makes child pornography *criminal*—and why possession and distribution of child pornography is punished so severely (including potential lifetime sex registration)—is not the immorality of the content. The central basis of the criminality of child pornography is the victimization of *actual children* in its creation. For instance, if consenting adults dress up as children and pretend to be children for the purposes of sexual roleplay or creation of pornography, this behavior is not considered illegal, even if many would deem such behavior highly offensive and morally repugnant. And *virtual* child pornography, to the extent it does not involve the depiction and victimization of *actual children*, similarly is not categorically criminal, and in fact implicates the First Amendment. The United States Supreme Court struck down a federal law banning virtual child pornography for precisely this reason. (See *Ashcroft v. Free Speech Coalition* (2002) 535 U.S. 234.) As the high court explained, in contrast to the child pornography at issue in *New York v. Ferber* (1982) 458 U. S. 747—a form of speech that was itself a record of sexual abuse—the federal law banning virtual child pornography “prohibits speech that records no crime and creates no victims by its production. Virtual child pornography is not ‘intrinsically related’ to the sexual abuse of children, as were the materials in *Ferber*.” (*Ashcroft, supra*, 535 U.S. at p. 234.) Applying some of these principles, California Courts have held that a defendant’s act in placing pictures of child’s head on nude bodies of adult women was insufficient to support conviction for possession of child pornography, as these pictures *did not involve sexual exploitation of an actual child*. (*People v. Gerber* (2011) 196 Cal.App.4th 368, 377.)

The problem with SB 1276 is that it modifies the definition of “sexual exploitation” in a way that criminalizes the creation of content that is produced, not as the result of the victimization of *actual children*, but through artificial intelligence. While the bill language does require the depiction of an actual person – as opposed to the recent amendments to Section 311.11, which criminalize content that depicts what *appears* to be a person under 18 – as drafted the bill would violate the First Amendment, because it does not require the victimization of an actual child in the production of computer-generated content.

[...]

As a society, we should focus our criminal laws on behavior which harms actual victims, and not on severe punishments based on whether a person has deviant sexual interests. Sexual exploitation of real children is simply not the same as virtual content created by artificial intelligence, no matter how offensive that content may be.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles City Attorney (sponsor)

American Association of University Women - California

California District Attorneys Association

California State Sheriffs' Association

California Teachers Association

Los Angeles County District Attorney's Office

Oppose

California Attorneys for Criminal Justice

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