

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee:	Public Safety	Vote:	9 - 0
	Privacy and Consumer Protection		15 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill expands the crime of sexual exploitation of a child to reach downloading, streaming, or accessing depictions of a minor engaged in sexual conduct, and conforms the definition of sexual exploitation under the Child Abuse and Neglect Reporting Act (CANRA).

More specifically, this bill:

- 1) Expands the crime of sexual exploitation of a child to apply to a person who knowingly downloads, streams, or accesses through electronic or digital media any representation of information, data, or image, as specified, that depicts a person under 18 years of age engaged in an act of sexual conduct.
- 2) Provides that the crime does not apply to a child under 18 years of age alleged to have solely engaged in viewing sexual conduct through a video stream.
- 3) 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 artificial-intelligence-generated matter that depicts a person under 18 years of age engaged in an act of sexual conduct, as described.

FISCAL EFFECT:

- 1) Non-reimbursable local incarceration costs of an unknown amount for additional convictions. A first violation is punishable by a fine of not more than \$2,000, by imprisonment in a county jail for not more than one year, or both. A person previously convicted of a violation of that subdivision or any section of the same chapter is punishable by imprisonment in the state prison. Actual costs will depend on the number of convictions and the length of each sentence. The average annual cost to incarcerate one person in county jail is approximately \$29,000, though costs are higher in larger counties. County incarceration costs are not subject to reimbursement by the state. However, overcrowding in county jails creates cost pressure on the General Fund (GF) because the state has historically granted new funding to counties to offset overcrowding resulting from public safety realignment.
- 2) Increased state incarceration costs of an unknown amount (GF) to the California Department of Corrections and Rehabilitation (CDCR) to the extent additional persons with qualifying prior convictions are committed to state prison. The Legislative Analyst's Office estimates

the average annual cost to incarcerate one person in state prison at \$128,000; CDCR estimates \$135,921. If two people are incarcerated in state prison as a result of this crime's expansion, the resulting incarceration costs to CDCR would exceed this committee's suspense threshold.

- 3) Potential court cost pressures of an unknown amount (Trial Court Trust Fund (TCTF), GF) to adjudicate additional charges. The conduct reached by this bill — downloading, streaming, and accessing — is substantially more common than the development, duplication, printing, and exchange the statute currently reaches, so the number of chargeable violations could increase. Actual costs will depend on the number of charges filed and the time needed to adjudicate each case. Although courts are not funded on the basis of workload, increased pressure on the TCTF may create a demand for increased funding for courts from the GF. The state budget provides annual GF backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

COMMENTS:

- 1) **Purpose.** According to the author:

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.

- 2) **Background.** Penal Code Section 311.3, added in 1981, makes a person guilty of sexual exploitation of a child for knowingly developing, duplicating, printing, or exchanging specified representations depicting a person under 18 years of age engaged in sexual conduct. The Court of Appeal has described the purpose of the section as protecting children from sexual abuse and from invasion of their privacy rights, observing that children depicted in such material are exploited by the original conduct, by the creation of a permanent record, again each time that record is reproduced, and again when the material is viewed or passed to another. Existing law has been amended repeatedly to reach new technologies, most recently in 2024, when AB 1831 (Berman), Chapter 926, Statutes of 2024, and SB 1381 (Wahab), Chapter 929, Statutes of 2024, extended the child pornography and obscenity statutes to digitally altered and artificial-intelligence-generated matter. The verbs in Section 311.3 describe active conduct — developing, duplicating, printing, exchanging. Livestreamed material, which is generally not preserved after a stream ends, may leave no file for a viewer to develop, duplicate, or exchange. This bill addresses that gap by reaching downloading, streaming, and accessing.

Separately, CANRA, enacted in 1980, requires mandated reporters to report known and reasonably suspected child abuse and neglect, and defines sexual abuse to include sexual exploitation. The CANRA definition of sexual exploitation currently reaches conduct involving specified physical media depicting obscene sexual conduct, and does not reach digitally altered or artificial-intelligence-generated matter. The California District Attorneys Association contends the resulting mismatch between the criminal statute and the reporting statute creates confusion for mandated reporters and for those enforcing the law. This bill conforms the two definitions. The California Attorneys for Criminal Justice contends the CANRA amendment raises First Amendment concerns, citing *Ashcroft v. Free Speech*

Coalition (2002) 535 U.S. 234, in which the United States Supreme Court struck down a federal ban on virtual child pornography on the ground that such material records no crime and creates no victim in its production, and *People v. Gerber* (2011) 196 Cal.App.4th 368, in which the Court of Appeal held that images created by placing a child's face on the bodies of adults did not involve sexual exploitation of an actual child. To the extent the bill is challenged in court, any defense costs would be borne by the Department of Justice.

- 3) **Prior Legislation.** SB 933 (Wahab), of the 2023-2024 Legislative Session, would have defined computer-generated images for purposes of the child sexual abuse material statutes and required the Department of Justice to report on violations involving artificial-intelligence-generated material. SB 933 was held on this committee's suspense file.

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