Office of Senate Floor Analyses
(916) 651-4171

UNFINISHED BUSINESS

Bill No: SB 1276
Author: Rubio (D), et al.
Amended: 8/13/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/14/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SENATE FLOOR: 33-0, 5/22/26
AYES: Archuleta, Arreguín, Ashby, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Allen, Alvarado-Gil, Becker, Hurtado, Niello, Padilla, Stern

ASSEMBLY FLOOR: 78-0, 8/25/26 - See last page for vote

SUBJECT: Crimes: sexual exploitation of a child

SOURCE: Los Angeles City Attorney Hydee Feldstein Soto

DIGEST: This bill expands 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.

Assembly Amendments require that the person knew that the matter depicted a person under 18 years of age in an act of sexual conduct.

ANALYSIS:

Existing law:

1) 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 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, punishable as a wobbler. (Penal (Pen.) Code, § 311.1, subd. (a).)

2) 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).)

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, subd. (c).)

4) 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 specified media 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).)

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, 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).)

6) 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).)

7) 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).)

8) Defines. for the purposes of the crime of sexual exploitation of a child, “sexual conduct” as any of several enumerated sexual acts. (Pen. Code, § 311.3, subd. (c).)

9) 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.)

10) 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.)

11) 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.)

12) 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.)

13) For the purposes of CANRA, specifies that "sexual abuse" means sexual assault or sexual exploitation as defined by the following:

    a) "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.

    b) "Sexual exploitation" refers to the following:

        i. 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).

        ii. 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.

iii. 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:

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, as specified above, that depicts a person under 18 years of age engaged in an act of sexual conduct knowing that the matter depicts a person under the age of 18 engaged in an act of sexual conduct.

2) 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.

3) 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

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

- 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.

- 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.

- 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.

SUPPORT: (Verified 8/25/26)

Hydee Feldstein Soto, Los Angeles City Attorney (source)
American Association of University Women - California
California District Attorneys Association
California Family Resource Association
California State Sheriffs' Association
California Teachers Association
Child Abuse Prevention Center and its Affiliates Safe Kids California, Prevent Child Abuse California and the California Family Resource Association

City of Sunnyvale
Los Angeles County District Attorney's Office
Sistahfriends
Strength United
The California Baptist Capitol Ministry

OPPOSITION: (Verified 8/25/26)

California Attorneys for Criminal Justice

ASSEMBLY FLOOR: 78-0, 8/25/26
AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: McKinnor

Prepared by: Alex Barnett / PUB. S. / (916) 651-4118
11/5/26 16:25:08

****** END ******