Office of Senate Floor Analyses
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UNFINISHED BUSINESS

Bill No: SB 683
Author: Cortese (D)
Amended: 10/10/25
Vote: 21

SENATE JUDICIARY COMMITTEE: 13-0, 4/8/25
AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 5/28/25
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 76-0, 9/10/25 - See last page for vote

SUBJECT: Privacy: use of a person's name, voice, signature, photograph, or likeness: injunctive relief

SOURCE: Author

DIGEST: This bill clarifies that a plaintiff in a right of publicity lawsuit may seek injunctive relief prior to the entry of judgment, and sets forth the timeframe for a defendant to comply with a temporary restraining order entered in such a case.

Assembly Amendments of 9/3/25 add nonsubstantive clarifying language and chaptering-out language to avoid a conflict with SB 11 (Ashby, 2025).

ANALYSIS:

Existing law:

1) Provides that any person who knowingly uses another's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods, or services, without that person's prior consent, or in the case of a minor, the prior consent of their parent or guardian, shall be liable for:

   a) Any damages sustained by the person or persons injured as a result of the unauthorized use or $750, whichever is greater.

   b) Any profits from the unauthorized use that are attributable to the use and not taken into account in computing the actual damages; in estimating such profits, the injured party must present proof only of the gross revenue attributable to the use, and the violator must prove their deductible expenses.

   c) Punitive damages, if awarded under existing punitive damages laws. (Civil (Civ.) Code, § 3344(a).)

2) Provides that the prevailing party in an action under 1) shall be entitled to reasonable attorney's fees and costs. (Civ. Code, § 3344(a).)

3) Provides that the remedies in 1) and 2) are cumulative and in addition to any others provided for by law. (Civ. Code, § 3344(g).)

4) Provides that a person shall be deemed to be readily identifiable from a photograph when one who views the photograph with the naked eye can reasonably determine that the person depicted in the photograph is the same person who is complaining of its unauthorized use; however, persons photographed as part of a definable group—such as in a crowd at a sporting event or in the audience at a theater—who are in the photograph solely as a result of being present at the time the photograph was taken do not have a claim under 1). (Civ. Code, § 3344(b).)

5) Provides that, where a photograph or likeness of an employee of the person using the photograph or likeness appearing in the advertisement prepared by or on behalf of the user is only incidental, and not essential, to the purpose of the publication in which it appears, there is a rebuttable presumption affecting the burden of production that the failure to obtain the consent of the employee was not a knowing use of the employee's likeness. (Civ. Code, § 3344(c).)

6) Provides that the use of a name, voice, signature, photograph, or likeness in connection with any news, public affairs, or sports broadcast or account, or any political campaign, shall not constitute a use for which consent is required under 1). (Civ. Code, § 3344(d).)

7) Provides that the use of a name, voice, signature, photograph, or likeness in a commercial medium shall not constitute a use for which consent is required under 1) solely because the material containing the use is commercially sponsored or contains paid advertising; rather, the question is whether the use of the person's name, voice, signature, photograph, or likeness is so directly connected with the commercial sponsorship or with the paid advertising as to constitute a use for which consent is required under 1). (Civ. Code, § 3344(e).)

8) Provides that nothing in 1)-5) applies to the owners or employees of any medium used for advertising, including, but not limited to, newspapers, magazines, radio and television networks and stations, cable television systems, billboards, and transit ads, by whom any advertisement or solicitation in violation of 1) is published or disseminated, unless it is established that such owners or employees had knowledge of the unauthorized use. (Civ. Code, § 3344(f).)

9) Provides that a court may grant a preliminary injunction in a civil action at any time before judgment upon a verified complaint, or upon affidavits, if the complaint or affidavits establish sufficient grounds for the injunction and notice is provided to the opposing party. (Code Civ. Proc., § 527(a).)

10) Provides that a court can grant a temporary restraining order (TRO) in a civil action at any time before judgment, without notice to the opposing party, if the following requirements are satisfied:

    a) It appears from the facts shown by the affidavit or complaint that great or irreparable injury will result to the applicant before the matter can be heard on notice.

    b) The applicant or their attorney certifies to the court under oath one of the following: (1) that within a reasonable time prior to the application, the applicant informed the opposing party or their attorney at what time and where the application would be made; (2) that the applicant attempted in good faith, but was unable to, inform the opposing party and their attorney, specifying the efforts made to contact them; or (3) for reasons specified, the applicant should not be required to inform the opposing party or their attorney of the pending application. (Code Civ. Proc., § 527(c).)

11) Provides that, if a TRO is granted under 9):

a) The matter shall be made returnable on an order requiring cause to be shown why a preliminary injunction should not be granted, on the earliest day possible for the court, but not later than 15 days or, with a showing of good cause, 22 days from the date the TRO is issued.

b) The party who obtained the TRO shall serve specified documents on the opposing party, within five days from the date the TRO was issued or two days prior to the hearing on the order to show cause, whichever is earlier; the court may, for good cause, shorten the time required for service.

c) When the matter first comes up for the hearing, if the party who obtained the TRO is not ready to proceed, or if the party has failed to serve the opposing party as required under 11)(b), the court shall dissolve the TRO.

d) The opposing party is entitled to one continuance of not less than 15 days or any shorter period requested by the opposing party; if the opposing party obtains the continuance, the TRO shall remain in effect until the date of the continued hearing.

e) If the applicant files an affidavit stating that the opposing party could not be served within the time required, the court may reissue the TRO; the time periods for the hearing on the order to show cause will run from the reissued TRO. (Code Civ. Proc., § 527(d).)

This bill:

1) Clarifies that in an action for the knowing use of another's name, voice, signature, photograph, or likeness for commercial use without consent, a party may seek a preliminary injunction or TRO pursuant to section 527 of the Code of Civil Procedure.

2) Specifies that, if a party obtains a TRO pursuant to 1), the respondent shall comply with the order within two business days from the day the order is served, unless otherwise required by the order.

3) Makes nonsubstantive clarifying changes.

4) Includes double-jointing language to take effect if both this bill and SB 11 (Asbhy, 2025) are enacted and become effective on or before January 1, 2026.

Comments

Current law establishes a right to control one's own name, voice, signature, image, and likeness for commercial purposes. A person whose name, voice, signature, image, or likeness was used in connection with a product or advertisement without their consent can file a civil action against the person who used the image and receive actual or statutory damages, disgorgement of profits from the wrongful use, and potentially punitive damages.

This bill clarifies that a party to a suit for nonconsensual use of one's name, voice, signature, image, or likeness for commercial purposes can also obtain an injunction or temporary restraining order under existing procedures, and provides that, if a temporary restraining order is issued, the subject of the order must complete the removal or take-down of the material within two business days from the date of service of the order, unless the court specifically orders a different compliance timeline.

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

According to the Assembly Appropriations Committee, this bill presents "[n]o significant state costs."

SUPPORT: (Verified 9/9/25)

Alum Rock Counseling Center
Asian Americans for Community Involvement
Asian Law Alliance
California Federation of Labor Unions, AFL-CIO
California IATSE Council
California Partnership to End Domestic Violence
Family Violence Law Center
National College Players Association
SAG-AFTRA
SOMOS Mayfair
ValorUS

OPPOSITION: (Verified 9/9/25)

First Amendment Coalition
Motion Picture Association, Inc.
Recording Industry Association of America

ARGUMENTS IN SUPPORT: According to the National College Players Association:

Over the last decade, there has been a substantial amount of case law outlining the rights and responsibilities of platforms, users, digital and print media in an increasingly interconnected world. Platforms can be held accountable under state law for specific violations, including negligence in removing identified illegal material.

Despite existing remedies allowing courts to award damages and order removal, legal proceedings can take years to be resolved, leaving affected parties exposed to indefinite harm. SB 683 provides a path for affected individuals to file a temporary restraining order or preliminary injunctive relief to have nonconsensual, harmful use of image or likeness provisionally removed from circulation.

Victims deserve mitigation immediately, not after paid legal fees and claims have been filed in court. Establishing a right to a two day take down pending final adjudication will protect individuals and allow the court time to determine whether or not the content is constitutionally sound.

ARGUMENTS IN OPPOSITION: According to the Recording Industry Association of America:

In its current form, SB 683 would establish two business days as the statutory default for compliance with a court-ordered TRO. The amendment adopted in Assembly Judiciary Committee provides courts the flexibility to specify faster – or slower – compliance, but the two business day standard would inevitably result in delays in compliance where the recipient of a TRO today would be expected to act immediately upon receipt of the order. Artists are often subject to abusive misappropriation of their likeness, the harms of which can increase exponentially the longer the misappropriation is made available to the public. A two-business day default standard for compliance is simply too long and does not reflect the urgency of remediation or the existing capacity for action to be taken with much greater haste. Taken to its extreme, the two business day standard can expand to permit inaction for up to a five calendar day period after issuance of a court order, when removal could otherwise be effectuated within minutes.

ASSEMBLY FLOOR: 76-0, 9/10/25
AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Hadwick,

Haney, Harabedian, Hart, Hoover, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, 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, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Caloza, Mark González, Irwin, Tangipa

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
7/17/26 11:28:17

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