
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1111 **Hearing Date:** April 21, 2026
Author: Ashby
Version: March 23, 2026
Urgency: No **Fiscal:** No
Consultant: AB

Subject: *Digital replicas*

HISTORY

Source: 11:11 Media

Prior Legislation: SB 11 (Ashby), vetoed , 2025
SB 683 (Cortese), Ch. 590, Stats. of 2025
SB 942 (Becker), Ch. 291, Stats. of 2024
SB 970 (Ashby), held in Senate Appropriations, 2024
AB 1836 (Bauer-Kahan), Ch. 258, Stats. of 2024
AB 2602 (Kalra), Ch. 259, Stats. of 2024
SB 444 (Umberg), died in Assembly Higher Education Committee, 2019

Support: California Initiative for Technology & Democracy; Rape, Abuse and Incest
National Network

Opposition: None known

PURPOSE

The purpose of this bill is to specify that use of a digital replica, as defined, is deemed to be a false personation for the purposes of criminal provisions related to false impersonation and to incorporate the use of a digital replica into California’s “right of publicity” law, as provided.

Existing law includes the following relevant legislative findings and declarations regarding artificial intelligence:

- The Legislature recognizes the tremendous potential of artificial intelligence (AI) to improve the lives of its citizens and the functioning of government. However, the Legislature also recognizes that the use of AI must be guided by principles of fairness, transparency, privacy, and accountability to ensure that the rights and opportunities of all Californians are protected in the age of artificial intelligence.
- No individual or group should be discriminated against on the basis of race, gender, age, religion, sexual orientation, or any other protected characteristic in the design, development, deployment, or use of AI systems. The unprecedented speed of innovation and deployment of generative artificial intelligence (GenAI) technologies necessitates proactive guardrails to protect against potential risks or malicious uses, as specified.

- The Legislature affirms the importance of transparency in the use of GenAI systems. The public has the right to know when they are interacting with GenAI being used by the state and to have an accessible identification of that interaction.
- The Legislature recognizes that the use of GenAI systems must be consistent with the protection of privacy and civil liberties and must be guided by a commitment to equity and social justice. It is the intent of the Legislature in enacting this legislation that all GenAI systems be designed and deployed in a manner that is consistent with state and federal laws and regulations regarding privacy and civil liberties and minimizes bias and promotes equitable outcomes for all Californians. (Gov. Code, § 11549.63.)

Existing law, operative January 1, 2026, requires persons that create, code or otherwise produce a GenAI system that has over 1,000,000 monthly visitors or users, as specified, to make available an AI detection tool that allows users to assess whether an image, video or audio content was created or altered by AI, and provides other detection functions, as specified. (Bus. & Prof. Code, § 22757.2.)

Existing law, operative January 1, 2026, requires persons that create, code or otherwise produce a GenAI system that has over 1,000,000 monthly visitors or users, as specified, to offer users the option to include a manifest disclosure in image, video, or audio content created or altered by the person's GenAI system that identifies the content as AI-generated, as specified. (Bus. & Prof. Code, § 22757.3.)

Existing law requires specified political advertisements to include, in a clear and conspicuous manner, the following disclosure: "Ad generated or substantially altered using artificial intelligence." (Gov. Code, § 84514.)

Existing law, for the purposes of the provisions above, defines "artificial intelligence" as an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. (Civ. Code, § 3110, subd. (a); Gov. Code, §§ 11549.64, 84514, subd. (d).)

Existing law provides that a person who uses a deceased personality'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 prior consent from the deceased individual's estate shall be liable for any damages sustained by the person or persons injured as a result thereof. (Civ. Code, § 3344.1, subd. (a)(1).)

Existing law provides that a person who produces, distributes, or makes available the digital replica of a deceased personality's voice or likeness in an expressive audiovisual work or sound recording without prior consent from the person's estate shall be liable to any injured party in an amount equal to the greater of ten thousand dollars (\$10,000) or the actual damages suffered by a person controlling the rights to the deceased personality's likeness, except when use of the digital replica meets specified criteria, in which case a digital replica may be used without consent. (Civ. Code, § 3344.1, subd. (a)(2).)

Existing law defines “digital replica” as a computer-generated, highly realistic electronic representation that is readily identifiable as the voice or visual likeness of an individual that is embodied in a sound recording, image, audiovisual work, or transmission in which the actual individual either did not actually perform or appear, or the actual individual did perform or appear, but the fundamental character of the performance or appearance has been materially altered, but specifies that “digital replica” does not include the electronic reproduction, use of a sample of one sound recording or audiovisual work into another, remixing, mastering, or digital remastering of a sound recording or audiovisual work authorized by the copyright holder. (Civ. Code, § 3344.1, subd. (a)(2)(B)(ii).)

Existing law establishes California’s right of publicity law, which 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 such person’s prior consent, shall be liable for any damages sustained by the person or persons injured as a result thereof. (Civ. Code, § 3344, subd. (a)(1).)

Existing law subjects a person in violation to liability to the injured party for the greater of the actual damages suffered or statutory damages of \$750, and any profits from the unauthorized use that are attributable to the use and are not taken into account in computing the actual damages. Punitive damages may also be awarded to the injured party or parties. The prevailing party shall also be entitled to attorney’s fees and costs. (Civ. Code, § 3344, subd. (a)(1).)

Existing law provides that in addition to the remedies above, a party may seek an injunction or temporary restraining order to enjoin such conduct, and that if the court grants the application of such an order requiring the removal, recall or other cessation of the publication or distribution of the petitioner’s name, voice, signature, photograph, likeness, the enjoined party shall comply within 2 business days from the day the order is served, as specified. (Civ. Code, § 3344, subd. (a)(2).)

Existing law provides that where a photograph or likeness of an employee of the person using the photograph or likeness appearing in the advertisement or other publication 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 shall arise a rebuttable presumption affecting the burden of producing evidence that the failure to obtain the consent of the employee was not a knowing use of the employee’s photograph or likeness. (Civ. Code § 3344, subd. (c).)

This bill removes the rebuttable presumption from the right of publicity law, and provides that, for the purposes of that statute, a voice or likeness includes a “digital replica” as that term is defined in existing law.

Existing law provides that every person who falsely personates another, and in such assumed character marries or pretends to marry, or to sustain the marriage relation towards another, with or without the connivance of such other, is guilty of a felony. (Pen. Code, § 528)

Existing law provides that any person who knowingly and without consent credibly impersonates another actual person through or on a website or by other electronic means for purposes of harming, intimidating, threatening, or defrauding another person is guilty of a public offense punishable by a fine and/or imprisonment in county jail for up to one year. (Pen. Code, § 528.5.)

Existing law provides that every person who falsely impersonates another in either their private or official capacity, and in that assumed character carries out specified actions, is punishable by a fine and/or imprisonment in county jail for up to one year, or for 16 months, 2 years or 3 years, as provided. (Pen. Code, § 529.)

Existing law provides that every person who falsely impersonates another, in either their private or official capacity, and in such assumed character receives any money or property, knowing that it is intended to be delivered to the individual so personated, with intent to convert the same to their own use, or to that of another person, or to deprive the true owner thereof, is punishable in the same manner and to the same extent as for larceny of the money or property so received. (Pen. Code, § 530.)

This bill provides that for the purposes of any provision of the Penal Code in which false impersonation of another is a required element, including sections 528.5, 529, and 530, false impersonation includes the use of a digital replica with the intent to impersonate another.

This bill, for the purposes of the above provision, specifies that “digital replica” has the definition as set forth in existing law related to the use of a deceased person’s likeness.

COMMENTS

1. Need for This Bill

According to the author:

California is leading the nation in AI regulations. However, a significant gap remains. The lack of a comprehensive legal framework to address the non-consensual creation of AI deepfake images leaves victims with no remedy. While some deepfakes target public figures, AI software now allows users to create content featuring anyone. Often, women are the targeted victims, and the vast majority of incidents are sexually explicit in nature.

SB 1111 creates a framework to hold AI users accountable by establishing clear legal standing for victims and defining the boundaries of AI technology. As technology changes, California must continue to advance the standard for protections against AI violence and those affected by it.

2. Background on AI-Generated Content

GenAI is a type of artificial intelligence that can create new content, including text, images, video, computer code, music, and other media via the application of user-generated “prompts” to a vast existing database of “training data.” GenAI models, such as Open AI’s ChatGPT, Google’s Gemini, and Anthropic’s Claude, can produce realistic and novel artifacts that resemble the data they were trained on, but do not copy it. For example, GenAI models can write a poem,

draw a picture, or compose a song based on a given prompt or theme. The GenAI process involves the use of artificial neural networks, a subset of machine learning that aims to mimic the

functionality of a biological brain, to identify the patterns and structures within existing data to generate new and original content.¹

Since the launch of publicly-available GenAI models, their capacity and scope have expanded rapidly, impacting how we communicate, educate, interact, transact, travel, and consume media. Moreover, a wide range of industries, both public and private, have increasingly integrated GenAI into their operations in order to increase productivity, lower costs, and improve user and consumer experience. According to a recent Brookings Institution Publication:

Over the last year, generative AI tools have made the jump from research prototype to commercial product. Generative AI models like OpenAI's ChatGPT and Google's Gemini can now generate realistic text and images that are often indistinguishable from human-authored content, with generative AI for audio and video not far behind. Given these advances, it's no longer surprising to see AI-generated images of public figures go viral or AI-generated reviews and comments on digital platforms. As such, generative AI models are raising concerns about the credibility of digital content and the ease of producing harmful content going forward. Against the backdrop of such technological advances, civil society and policymakers have taken increasing interest in ways to distinguish AI-generated content from human-authored content.²

There are various methods for deciphering AI-generated or altered content, although none are foolproof and all require updates as technology advances:

The four most prominent approaches are watermarking (in its various forms), which is the embedding of an identifiable pattern in a piece of content to track its origin; content provenance, which securely embeds and maintains information about the origin of the content in its metadata; retrieval-based detectors, where all AI-generated content is stored in a database that can be queried to check the origin of content; and post-hoc detectors, which rely on machine learning models to identify subtle but systematic patterns in AI-generated content that distinguish it from human-authored content.³

Several recent bills have sought to regulate the use of AI in the criminal law context, including SB 524 (Arreguin) Chapter 587, Statutes of 2025, which imposed various minimum standards on the use of AI technology in conjunction with the production of police reports, and SB 1381 (Wahab), Chapter 929, Statutes of 2024, which expanded existing crimes related to child pornography to include content that is digitally altered or generated via AI. A related measure, AB 621 (Bauer-Kahan), Chapter 673, Statutes of 2025, expanded civil liability for nonconsensual pornography involving "deepfakes," which are images or recordings that have been convincingly altered and manipulated – often via AI technology – to misrepresent someone as doing or saying something that was not actually done or said.

¹ For additional information on the mechanics of GenAI and neural networks, see <https://www.elastic.co/what-is/generative-ai>

² Siddarth Srinivasan, *Detecting AI fingerprints: A guide to watermarking and beyond* (January 4, 2024) Brookings Institution. <https://www.brookings.edu/articles/detecting-ai-fingerprints-a-guide-to-watermarking-and-beyond/>

³ *Ibid.*

3. False Personation and Effect of This Bill

A host of California statutes prohibit various conduct that can be categorized as “false personation” (which is essentially synonymous with “false impersonation”), which is generally defined as the illegal use of someone else’s name, image or likeness to cause harm or gain a benefit.⁴ Existing law prohibits several types of false personation and related conduct, including impersonating another on the internet or via other electronic means, impersonating another on or via written instrument, gaining a benefit or incurring a loss while impersonating another, impersonating a public official, law enforcement officer or firefighter, and forging documents related to or facilitating false impersonation.⁵ This bill seeks to ensure that these laws are equipped to handle the implications of the explosion of AI-generated content. Specifically, the bill provides that for the purposes of criminal offenses where the false personation of another is an element of the offense, the use of a digital replica with the intent to impersonate another is deemed to be false personation.

4. Prior Legislation and Governor’s Veto

This bill is the third attempt by this author to incorporate digitally-created content into California’s “right of publicity” law and false personation statutes. SB 970, introduced in 2024, passed out of this committee on a vote of 5-0, but was ultimately held in the Senate Appropriations Committee. Last year, the author advanced SB 11, which was substantially similar to this bill except that it included a provision requiring certain AI technology providers to include a consumer warning with their product admonishing users that unlawful use of the technology depicting another person without prior consent may result in criminal or civil liability. SB 11 passed out of this committee on a vote of 6-0 but was ultimately vetoed by the Governor, who indicated in his veto message:

I commend the author for working to ensure that our state is prepared for the challenges raised by AI's ability to produce highly realistic digital content. I share the author's concern over the risks posed by synthetic content, including the use of AI to impersonate or appropriate another's likeness without their consent. However, this bill also requires any AI technology that enables a user to create a digital replica to include, wherever a user may input a prompt, a hyperlink to a clear and conspicuous disclosure to warn users of potential civil or criminal liability. Failure to include the hyperlink exposes the technology provider to significant civil liability under this measure.

This year, I have signed bills requiring companion chatbot operators to disclose to users that they are interacting with an artificial system and internet companies to warn minors of the potential dangers of social media use. Under certain circumstances, public disclosures and warning labels can play a key role in providing transparency to the public and mitigating harm. In this case, however, it is unclear whether a warning would be sufficient to dissuade wrongdoers from using AI to impersonate others without their consent.

⁴ Pen. Code, § 529; *People v. Vaughn* (1961) 196 Cal.App.2d 622.

⁵ See Pen. Code, §§ 528-539.

This bill addresses the Governor's concerns by simply omitting the consumer warning requirement from its provisions.

5. Double Referral

In addition to the false personation provision, this bill incorporates the use of a digital replica into California's "right of publicity" law a provision that falls outside the jurisdiction of this committee. Accordingly, this bill was double referred to the Senate Committee on Privacy, Digital Technologies, and Consumer Protection, where the bill was heard on April 13. For an discussion of the "right of publicity" law provision, see the analysis produced by that committee.

6. Argument in Support

According to the Rape, Abuse & Incest National Network:

This legislation is a vital step in modernizing California's laws to protect individuals from the growing threat of technology-enabled abuse and non-consensual digital exploitation. As technology evolves, so do the tactics of abusers. At RAINN, we hear from survivors every day whose abuse has no end because it continues online. The rise of synthetic nonconsensual intimate images—highly realistic digital replicas of a person's voice or likeness—have become a pervasive tool for image-based sexual abuse. These replicas are frequently used to create additional non-consensual sexual content, which causes devastating and permanent harm to survivors, including as the basis of sextortion and other coercive efforts. For survivors of sexual violence, the unauthorized creation and distribution of their likeness is a profound violation of bodily autonomy and privacy. SB 1111 provides the necessary legal framework to hold offenders accountable and offers survivors the tools they need to seek justice in the digital age.

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