



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

SACRAMENTO LEGISLATIVE OFFICE

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July 18, 2024

The Honorable Marc Berman
California State Assembly
1021 O Street, Suite 8130
Sacramento, CA 95814

ASSEMBLY BILL 1831 (BERMAN) SUPPORT

Dear Assembly Member Berman:

The Los Angeles County District Attorney's Office is pleased to support Assembly Bill 1831.

AB 1831 would ensure that California's obscenity law covers images altered or generated by the use of artificial intelligence.

California's obscenity statute expressly covers any depiction of a person under the age of 18 engaged in or simulating sexual conduct and eliminates any requirement for additional proof of obscenity beyond the fact that the image depicts a minor engaged in sexual conduct.

California law currently prohibits possession, preparation, publication, production, development, distribution, duplication, or printing, of any depictions of minors engaged in sexual conduct. (Pen. Code § 311.2 subd. (a) et seq.).

Penal Code section 311.11 is the specific section criminalizing mere possession or control of such images. For section 311.11 to apply, however, the production of the image must involve the use of an actual person under the age of 18 years. This requirement exempts from criminal liability the possession of images engineered entirely from graphics that cannot be demonstrably linked to an actual human being.

With the rapid advancement in both the quality of computer technology and the easy availability of this technology to the general public, there has been an increase in the use of AI technology to create highly realistic images of individuals to appear as if they are nude or engaged in sexual activity. Many of these images are of such quality that special computer software is needed to verify that the image is not real. Today's technology allows images to be generated that are virtually indistinguishable from actual images. As technology advances the ability to distinguish between actual images and

July 18, 2024
Page Two

artificially generated images it will be nearly impossible for the general public to distinguish. As a result of AI technology improvements and it becoming more accessible, the scope of the abuse has grown.

Given the proliferation and advancements in AI technology, it makes no sense from either a policy or legal standpoint to exclude artificially generated images from the definition of revenge porn.

AB 1831 aims to protect children from violations made possible by new forms of technology and ensures that perpetrators are held accountable for their actions.

For these reasons our Office is proud to support AB 1831.

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,

A handwritten signature in blue ink, appearing to read "George Gascón", written in a cursive style.

GEORGE GASCÓN
District Attorney