



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
SACRAMENTO LEGISLATIVE OFFICE

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June 7, 2024

The Honorable Kevin McCarty
Assembly Public Safety Committee, Chair
1020 N Street, Room 111
Sacramento, CA 95814

SENATE BILL 933 (WAHAB and BOGH)
SPONSOR
Assembly Public Safety Committee
Hearing Date: June 18, 2024

Dear Assembly Member McCarty:

The Los Angeles County District Attorney's Office is pleased to sponsor Senate Bill 933 (Wahab and Bogh).

SB 933 prohibits individuals from possessing and distributing explicit, abusive images of children that have been generated by artificial intelligence (AI).

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

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technology allows images to be generated that are virtually indistinguishable from actual images. As technology advances the ability to distinguish between actual images and 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.

SB 933 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 sponsor SB 933 (Wahab and Bough).

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