

Date of Hearing: April 30, 2024

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 3080 (Alanis) – As Amended April 18, 2024

As Proposed to be Amended

**SUBJECT:** THE PARENT’S ACCOUNTABILITY AND CHILD PROTECTION ACT

**KEY ISSUE:** SHOULD THE PARENT’S ACCOUNTABILITY AND CHILD PROTECTION ACT BE EXPANDED TO REQUIRE INTERNET PORNOGRAPHIC WEBSITES TO CONDUCT REASONABLE AGE VERIFICATION STEPS TO ENSURE USERS ARE AT LEAST 18 WHEN ACCESSING THEIR CONTENT?

**SYNOPSIS**

*Enacted in 2019, AB 2511 (Chau, Chap. 872, Stats. 2018) established the Parent’s Accountability and Child Protection Act (PACPA). As detailed in the legislative history, the purpose of the statute was to protect children by ensuring they are unable to buy items they are not legally allowed to purchase. Under the existing statute, businesses in California that make certain products available that are illegal for purchase by a minor must take “reasonable steps” to ensure the purchaser is of legal age prior to purchase or delivery. This bill expands PACPA to also capture pornography websites, and as such would require the sites, as defined, to engage in reasonable age verification to ensure intending users are of legal age before accessing the website’s content.*

*This bill is sponsored by the California Family Council, the Family Policy Alliance, and the Age Verification Providers Association. It is supported by a number of faith-based organizations, including the California Catholic Conference, California Baptist for Biblical Values, and Interfaith Statewide Coalition. It is also supported by the Concerned Women for America Legislative Action Committee, Exodus Cry, Pacific Justice Institute, and the Age Verification Providers Association. It is opposed by the Electronic Frontier Foundation (EFF), the Free Speech Coalition, the Chamber of Progress, Foundation for Individual Rights and Expression (FIRE), and Oakland Privacy. A number of organizations opposed a previous version of the measure and have not updated their position since the bill was amended. This bill was previously heard by the Assembly Committee on Privacy and Consumer Protection which voted to approve the bill on a vote of 10 – 0.*

**SUMMARY:** Expands the Parent’s Accountability and Child Protection Act to include pornographic internet websites. Specifically, **this bill:**

1) Defines the following for the purposes of this bill:

- a) “Pornographic internet website” means an internet website on which the owner of the internet website, for commercial gain, knowingly publishes sexually explicit content that, on an annual basis, exceeds one-third of the contents published on the internet website;
- b) “Sexually explicit content” means visual imagery of an individual or individuals engaging in an act of masturbation, sexual intercourse, oral copulation, or other overtly

sexual conduct that, taken as a whole, lacks serious literary, artistic, political, or scientific value.

- 2) Requires a person or business that conducts business in California and seeks to make a pornographic internet website available to take reasonable steps to ensure the user is of a legal age at the time of access, including, but not limited to, verifying the age of the purchaser.
- 3) Specifies that reasonable steps for the purpose of 2) include, but are not limited to, any of the following:
  - a) Requiring the user to input, scan, provide, or display a government-issued identification, provided that the person or business complies with all laws governing the retention, use, and disclosure of personally identifiable information, including, but not limited to, specified provisions of the Civil Code and Business and Professions Code;
  - b) Requiring the user to use a nonprepaid credit card or debit card for online access;
  - c) Implementing a system that enables only individuals with accounts designated as adult accounts to access the internet website.

**EXISTING LAW:**

- 1) Requires sellers of products or services that are illegal to sell to minors to take reasonable steps to ensure that the purchaser is of legal age at the time of the purchase or delivery, including but not limited to verifying the age of the purchaser. (Civil Code Section 1798.99.1 (a). Unless otherwise specified all further statutory references are to the Civil Code.)
- 2) Provides that reasonable steps include:
  - a) The provision of a government-issued identification, subject to all laws governing retention, use, and disclosure of personally identifiable information,
  - b) Requiring the purchaser to use a nonprepaid credit card for an online purchase, or
  - c) Implementing a system that restricts individuals with accounts designated as minor accounts from purchasing the prohibited products. (Section 1798.99.1 (a)(2).)
- 3) Prohibits a person or business subject to 1) from retaining, using, or disclosing any information it receives from a purchaser or recipient in an effort to verify age for any purpose other than as required by law. (Section 1798.99.1 (a)(6).)
- 4) Subjects violators of 1) to a civil penalty of up to \$7500 in actions brought by public prosecutors. (Section 1798.99.1 (d).)

**FISCAL EFFECT:** As currently in print this bill is keyed non-fiscal.

**COMMENTS:** Enacted in 2019, AB 2511 (Chau, Chap. 872, Stats. 2018) established the Parent's Accountability and Child Protection Act (PACPA). As detailed in the legislative history, the purpose of the statute was to protect children by ensuring they are unable to buy items they are not legally allowed to purchase. Under the existing statute, businesses in California that make

certain products available that are illegal for purchase by a minor must take “reasonable steps” to ensure the purchaser is of legal age prior to purchase or delivery, including *but not limited to*, verifying the purchaser’s age. PACPA further authorizes public prosecutors to enforce against violations by bringing a civil claim against a business in violation of the statute’s requirement and collecting civil penalties of up to \$7,500.

According to the author: Existing state and federal laws regulate the availability of pornography to minors. Federal law makes it a crime to distribute “obscene material” to someone under the age of 16. (18 USCS 1470.) The existing Parent’s Accountability and Child Protection Act (PACPA) already imposes age verification requirements on sellers of a variety of products such as aerosol containers, body branding products, certain dietary products, and firearms.

***This bill*** expands PACPA to capture pornography websites. The bill defines “pornographic internet websites” as a website on which the owner, for commercial gain, knowingly publishes sexually explicit content that annually exceeds one-third of the website’s content. It further defines “sexually explicit content” to mean visual imagery of an individual or individuals engaging in specified sexual acts that, taken as a whole, lack serious literary, artistic, political, or scientific value.

Pursuant to the amendment to PACPA proposed by this measure, porn websites, as defined, would be legally obligated to engage in “reasonable steps” to ensure their users are of legal age. As with the existing statutory structure, the “reasonable steps” are not specifically assigned but rather “include, but are not limited to” a number of options such as requiring submission of a government ID, requiring the use of a nonprepaid credit card for an online purchase, or implementing a system that enables only individuals with accounts designated as adult accounts to access the website. The only requirement imposed by the bill is that the website take *reasonable steps*. What those steps ultimately look like appears to be left to the websites themselves to determine.

A number of opponents contend that the bill would require websites to verify the identity and age of all users. However, it seems that there is a fundamental distinction to be made here – the bill does not require websites to verify the *identity* of a user, merely to take reasonable steps to ensure the user is of legal age. While folks may disagree about what methods constitute “reasonable steps,” it is important to note that the requirement is only as to an age verification and does not necessarily require collection of personally identifying information.

***First Amendment concerns.*** Any legislation proposing to limit access to specific content raises a potential First Amendment concern. The First Amendment of the United States Constitution provides that, “*Congress* shall make no law abridging the freedom of speech, or of the press.” [Emphasis added.] As applied to the states through the Fourteenth Amendment, and as interpreted by the courts, the First Amendment prohibits any law or policy, at any level of government, from abridging freedom of speech. Legislation seeking to regulate speech can generally be distinguished as either content-based or content-neutral. Content-based laws, or laws that target a particular type of speech, must meet a strict scrutiny standard and must therefore be the least restrictive means to achieve a compelling government purpose in order to withstand legal challenge. Content neutral laws, on the other hand, or laws which serve a purpose unrelated to the speech itself, need only pass intermediate scrutiny. Under this standard, the law “need not be the least restrictive or least intrusive means of serving the government’s interests,”

but “may not regulate expression in a manner that a substantial portion of the burden on speech does not serve to advance its goals.”

Supreme Court jurisprudence has identified various categories of speech and determined how much each is protected by the First Amendment. These categories can first be broken down into two primary categories – protected or unprotected. Protected speech benefits from the full shield of the First Amendment and cannot be regulated by the government unless the regulation is narrowly tailored to meet a compelling government interest. Unprotected speech is speech that has been found to be “of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality,” and thus may be subject to government regulation. (*R.A.V. v. St. Paul* (1992) 505 U.S. 377, 383.)

Unprotected speech can be broken down further into various categories including: true threats; obscenity; defamation; and incitement to imminent lawless action. Obscenity is defined through the following three-pronged test referred to as the *Miller* test. (*Miller v. California*, 413 U.S. 15 (1972).) Briefly, the *Miller* test asks 1) whether the average person, applying contemporary community standards, would find that the work taken as a whole appears to the prurient interest; 2) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and 3) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Pornography, by its nature alone, is not necessarily “obscenity.” Therefore, while some pornographic material may rise to the level of obscenity and therefore fall outside the scope of First Amendment protections, not all of it does. Pornographic content that is not obscene enjoys First Amendment protections and any restriction on such content must survive strict scrutiny. (*Sable Communications of Cal. v. FCC* (1989) 492 US 115, *U.S. v. Playboy Entertainment Group* (2000) 529 U.S. 803.)

The number of federal and state laws regulating minors’ access to pornography reflects the significant government interest in protecting children from potentially harmful and inappropriate content. Many have argued that access to this content at too young of an age causes significant harm to minors, including poor mental health and increased levels of sexual violence. (*Protection of children from the harmful impacts of pornography*, UNICEF available at: <https://www.unicef.org/harmful-content-online>.) Moreover, a number of Supreme Court decisions have likewise affirmed the government’s compelling interest in protecting minors from inappropriate sexual content. (See *Ginsberg v. New York* (1968) 390 U.S. 629, *FCC v. Pacifica Found* (1978) 438 U.S. 726.) Therefore, if challenged it seems likely the state would be able to adequately demonstrate a compelling government interest.

The remaining question would then be whether this statute is narrowly tailored, and whether there is a less restrictive alternative. A couple points lend themselves to supporting an affirmative answer on this point. First, the bill does not prohibit the distribution of pornography, nor does it seem to impose stringent hurdles to accessibility. Instead, it merely requires a provider of the content to “take reasonable steps to ensure” the individual accessing the content is an adult. The reasonable steps *can be* submission of a government identification card, requiring the user to use a nonprepaid credit card or debit card, or only authorizing adult accounts. The only method that is expressly prohibited is obtaining consent from the minor. Otherwise, it appears as though websites are free to impose whichever measure they consider “reasonable” to ensure that their users are of legal age. Arguably, by granting websites the

latitude to identify the most appropriate way to engage in the age verification this bill avoids unduly burdening these platforms with unwieldy regulations.

A number of the opponents point to Supreme Court precedent set by *United States v. Playboy Entertainment Group*, in which the Supreme Court answered whether a provision of the federal Telecommunications Act violated Playboy Entertainment Group's First Amendment rights. The challenged law required cable television operators that provided channels "primarily dedicated to sexually-explicit programming" to either "fully scramble or otherwise fully block" those channels or limit their transmission during specified hours. The majority of cable providers opted to comply with the law by blocking those channels during specified hours, resulting in a widespread elimination of sexually explicit programming during those timeframes. Playboy challenged the requirement as "unnecessarily restrictive content-based legislation violative of the First Amendment." (*United States v. Playboy Entertainment Group* (2000) 529 U.S. 803, p. 807.) In its decision, the Court sided with Playboy, holding that "[w]hen a plausible, less restrictive alternative is offered to a content-based restriction, it is the Government's obligation to prove that the alternative will be ineffective to achieve its goals. The Government has not met that burden here." (*Id.* at p. 816.)

The current measure appears to be distinguishable from the statute at issue in *Playboy* on a singularly important point – this bill does not prescribe the manner in which platforms must verify a user's age. As discussed, the bill merely requires a platform to engage in "reasonable steps" to ensure that minors are not accessing their content.

Opponents also rely on the Supreme Court's decision in *Reno v. ACLU* to support their contention that this bill fails to comply with the First Amendment. In *Reno v. ACLU*, the American Civil Liberties Union (ACLU) challenged two provisions of the Communications Decency Act of 1996 which criminalized the "knowing transmission of obscene or indecent messages to any recipient under 18 years of age [...] by means of a telecommunications device," as well as the "knowing sending or displaying of patently offensive messages in a manner that is available to a person under 18 years of age." (*Reno v. ACLU* (1997) 521 U.S. 844, 859.)

In this case the Court again sided with the challengers on numerous grounds including that, "the CDA is a criminal statute. [...] The severity of criminal sanctions may well cause speakers to remain silent rather than communicate even arguably unlawful words, ideas, and images." (*Id.* at p. 872) Further, the Court reasoned "[i]n order to deny minors access to potentially harmful speech, the CDA effectively suppresses a large amount of speech that adults have a constitutional right to receive and to address to one another. That burden on adult speech is unacceptable if less restrictive alternatives would be at least as effective in achieving the legitimate purpose that the statute was enacted to serve." (*Id.* at p. 899) Further, they wrote: "[i]t is true that we have repeatedly recognized the governmental interest in protecting children from harmful materials. [...] But that interest does not justify an unnecessarily broad suppression of speech addressed to adults." (*Id.* at p. 900) Finally, "[t]he breadth of the CDA's coverage is wholly unprecedented. Unlike regulations upheld in *Ginsberg* and *Pacifica*, the scope of the CDA is not limited to commercial speech or commercial entities. Its open-ended prohibitions embrace all nonprofit entities and individuals posting indecent materials or displaying them on their own computers in the presence of minors. The general, undefined terms of 'indecent' and 'patently offensive' cover large amounts of nonpornographic material with serious educational or other value." (*Id.* at p. 878).

As with *Playboy*, it seems that the Court's reasoning in *Reno v. ACLU* may not apply to this bill. First, the bill does not impose criminal liability. Instead, it amends an existing statute that could raise civil liability in a claim brought by a public prosecutor. Second, the scope of the prohibition implemented by the CDA was seemingly much more expansive than that imposed by this bill. The CDA prohibited *any* knowing transmission of obscene or indecent messages to a minor, as well as the sending or displaying of such content *in a manner that is available* to a minor. The CDA's prohibition, as reasoned by the court, captured non-commercial and educational sites, as well as commercial platforms, thereby broadly imposing unnecessary and burdensome requirements. This bill does not appear to impose such sweeping prohibitions. Instead, the requirement would apply only to "pornographic internet websites" defined as a website on which the owner, *for commercial gain*, knowingly publishes sexually explicit content that *exceeds one-third of the content published on the website* in a given year. The bill also defines "sexually explicit material" in a manner that mirrors existing law and exempts content with any "serious literary, artistic, political, or scientific value." Theoretically, these definitions function in tandem to only capture platforms providing access to pornographic materials *only*, rather than also capturing platforms that provide "nonpornographic material with serious educational or other value." Therefore this bill appears to present a much more narrowly tailored requirement than the statute at issue in *Reno v. ACLU*.

While no committee analysis can guarantee a bill's success or failure when faced with a First Amendment challenge, it appears that this proposed measure may be sufficiently distinct from the statutes at issue in *U.S. v. Playboy Entertainment Group* and *Reno v. ACLU* to withstand legal review.

**Proposed amendments.** A number of opponents contend that the bill would risk unduly infringing on individuals' privacy in order to access constitutionally protected content. For example, the Electronic Frontier Foundation (EFF) writes:

[AB 3080] would require businesses to collect information to verify the ages of anyone visiting a website that is deemed to offer 'sexually explicit material.' Age verification systems are surveillance systems. Requiring age verification, which relies on identity verification, is the wrong approach to protecting young people online. [...] It is a significant privacy violation to require all people to submit either their official government-issued identification credentials, or to delve into their transactional history [...] to attempt to determine their age, particularly if that person is an adult for whom there are no restrictions to view such material. Given the stigma around sexually explicit material online, if a bank or other records-holder was told why a site wanted to verify information, it could also have unfair and serious consequences for an adult viewing these sites.

As previously discussed, submission of government-issued identification is only one potential method a website could choose to adopt in order to verify a user's age. If the website determines, as EFF contends, that doing so would constitute an unfair infringement on their users' privacy, they could identify a different approach. More than likely, websites may consider the burden of the age-verification requirements on their potential users and be incentivized to only implement those which do not drive users away from their platforms.

Nonetheless, the risk of stigmatizing lawful behavior as EFF identifies is an understandable concern. In order to address this issue, the author proposes to amend the bill to require any of the

reasonable steps identified by the website to protect the identity of the intending user. The amendment would read as follows:

Civil Code Section 1798.99.1

***(a)(5)(B) A person or business required to comply with paragraph (2) shall ensure that the reasonable step is designed to anonymize a user's identity and is incapable of being used to create a record of the user's online activity.***

Additionally, the author propose various technical amendments as follows:

Civil Code Section 1798.99.1. (a) (1) A person or business that conducts business in California, and that seeks to sell any product or service in or into California that is illegal under state law to sell to a minor, as described in subdivisions (b) and (c), ~~or to make available a product as described in subdivision (d)~~, shall, notwithstanding any general term or condition, take reasonable steps to ensure that the purchaser is of legal age at the time of purchase or delivery, including, but not limited to, verifying the age of the purchaser.

***(2) A person or business that conducts business in California, and that seeks to make available a product in California that is illegal under state law to make available to a minor, as described in subdivision (d), shall, notwithstanding any general term or condition, take reasonable steps to ensure the user is of legal age at the time of access, including, but not limited to, verifying the age of the user.***

[...]

(A) Reasonable steps as used in paragraph ~~(1)~~ **(2)** for the provision of a product described in subdivision (d) include, but are not limited to, any of the following:

[...]

***(9) For purposes of this subdivision, "user" means a person who intends to access a product in California that is illegal under state law to make available to a minor, as described in subdivision (d).***

**ARGUMENTS IN SUPPORT:** This bill is sponsored by the California Family Council, the Family Policy Alliance, and the Age Verification Providers Association. It is supported by a number of faith-based organizations including the California Catholic Conference, California Baptist for Biblical Values, and Interfaith Statewide Coalition. It is also supported by the Concerned Women for America Legislative Action Committee, Exodus Cry, and Pacific Justice Institute.

The Family Policy Alliance submits:

With the rise of technology, minors currently have nearly unlimited access to adult websites, many of which contain inappropriate and pornographic material. In fact, studies show that by the age of 17, about 75% of adolescents have been exposed to pornography. This statistic is quite alarming and is made possible by the fact that many of these websites are accessible without parental involvement through age verification. Parents have the right and the ultimate responsibility of directing the upbringing of their children. As a result, age verification requirements for adult websites are necessary to help prevent adolescents from accessing inappropriate and pornographic material. These bills help put parents back in their

rightful place of controlling whether and how their children engage with dangerous pornographic material online.

Research has proven that pornography harms children. In fact, studies show that 88.2% of pornographic videos depict sexual violence, while 48.7% of these same videos include some kind of verbal abuse. Furthermore, studies show that 53% of male adolescents and 39% of female adolescents actually believe the lie that pornography is an accurate portrayal of sex. Thus, adolescents are learning about sexuality from a perspective which portrays sex as physical abuse, instead of receiving age-appropriate sex education from a parent or guardian.

In addition, studies reveal that out of those individuals who have been exposed to pornography, 58% accessed the material unintentionally.<sup>4</sup> As a result, adolescents are becoming addicted to pornography through interaction with certain websites that parental involvement could have prevented. Therefore, the age verification requirements in A.B. 3080 are necessary to prevent minors from encountering inappropriate and pornographic material and to empower parents to protect their kids from such exposure. Finally, right now the average age of first exposure to pornography is between the ages of 7 and 13; therefore, it is essential for legislation to restore parental rights to protect their children from pornography.

Not only does pornography harm children's mental well-being – there is also a strong correlation between pornography, human trafficking, and sexual abuse. In fact, research reveals that it is impossible to determine whether pornographic videos portray consensual sex, as many adult sites contain explicit videos and images of adults and minors, who have not consented to filming such content. Sex trafficking is the supply side of the pornography industry. Therefore, age verification requirements are crucial to preventing such abuse by limiting the access of pornography and explicit material to minors, thereby curbing the demand for that supply.

Some have argued against these measures, claiming that the government should stay out of matters relating to children's online access and that the decision ultimately belongs to parents. We wholeheartedly affirm that decisions pertaining to a child's time online belong to parents. This is why we so strongly support this bill. The age verification requirements will place these choices and others back into the hands of parents across California.

California is not the first state to propose a bill like this. Seven states passed similar legislation last year, and another eight have passed them this year. Most of these bills have been bipartisan efforts, including some where the legislative houses voted unanimously to pass the bill. Most of these bills have withstood judicial scrutiny: for example, the 5th Circuit Court recently upheld one of these bills in a landmark decision. The Court made clear that states have a compelling interest in protecting children from internet pornography, and that bills like A.B. 3080 do not violate the First Amendment.

Parental rights are the backbone of the family, and one of parents' rights is to protect their child's innocence. A.B. 3080 restores this right by reestablishing the role of parents in their children's consumption of online material.

**ARGUMENTS IN OPPOSITION:** This bill is opposed by the Electronic Frontier Foundation (EFF), the Free Speech Coalition, the Chamber of Progress, the Foundation for Individual Rights and Expression (FIRE), and Oakland Privacy. A number of organizations, including Chamber of Progress, the Foundation for Individual Rights and Expression (FIRE), Oakland Privacy, and the



Woodhull Freedom Foundation submitted opposition to a previous version of this measure but have not submitted updated letters relating to the version currently in print, thus it is unclear whether they maintain their opposition. The Free Speech Coalition writes:

While we applaud the bill's sponsor, Asm. Alanis, for his willingness to amend the legislation in response to the Committee on Privacy and Consumer Protection Committee analysis, the new language does not resolve the fundamental constitutional issues or change the fact that the policy approach is ineffective.

The adult industry whole-heartedly supports efforts to keep minors from material that is age-inappropriate or harmful. Aside from the moral and ethical issues involved with minors accessing our content, it is a financial drain on our industry. Were the promises of age verification companies to prevent minors from accessing our sites while not significantly impacting the ability of legal adults to access our content, we would eagerly embrace their technology. Unfortunately, that is not the case and AB-3080 continues to present significant practical, technical and legal problems that render its ability to protect children limited while creating dangerous privacy risks for adults, and violating the First Amendment rights of both consumers and producers.

[...]

### **Age-Verification Laws Have Pushed Consumers to Unsafe Websites**

Six laws mandating age-verification on adult content websites took effect in 2023. We've collected information on how they impact websites and users in reality and the results are abysmal. When major adult websites attempted to comply with the regulations, they found that the vast majority of adult consumers — as many as 97% — refuse to submit their ID or otherwise engage in other age-verification protocols.

Submitting a government-issued ID online to view sensitive, First Amendment-protected content is simply not the same as flashing an ID at a checkout counter to purchase fireworks. The process is expensive for websites and complicated for consumers, most of whom fear the real risks of surveillance, identity theft and exposure of their most private viewing behaviors. Proponents of these laws have promised that this information will never be shared, but over 353 million Americans were victims of data compromises in 2023, including data breaches, leakage, and exposure. In Utah and Louisiana, we have had reports of phishing scams, identity theft and extortion as a result of the law.

Additionally, while these bills prohibit third-party age-verification companies from storing or keeping information, they have no prohibitions on state governments, credit bureaus, employers, banks or other databases which supply the information from keeping, using or selling it.

As a result we have watched as adult consumers have instead flocked to non-compliant sites overseas — often pirate sites, unlikely to ever respond to a state lawsuit — and social media sites like Twitter, Reddit and 4chan which may not meet the 33% standard, but host large volumes of adult content. Rather than protect minors, these bills encourage the growth of these illegal sites, and the presence of adult content on non-adult platforms where minors are most likely to stumble upon it.

Oakland Privacy submits:

Some Internet porn sites can be classified as professional businesses. Certainly, an outfit like Pornhub likely hires web security professionals and can accept personal information securely. But to extrapolate that assurance to every site on the Internet selling dirty pictures is a reach.

Porn sites have long been known as a virulent vector for malware and computer viruses and guides to porn literally warn people that porn sites can steal their personal information. But problems can occur even when the sites themselves are not malicious with the insecure transmission of personal information - old, sloppy or missing security protocols attract skilled hackers for relatively simple phishing exploits.

Let's take a hypothetical 15 year old boy who is full of hormones but probably about a year away from being able to actually score a date. Porn is pretty much a moth to a flame. While it may once have been possible to access a pay porn site with something as simple and potentially anonymous as a Paypal or Venmo account, the passage of a law like Assembly Bill 3080 requires our protagonist to steal his father's driver license or perhaps get a fake ID made. If he takes option A, then he is conveying his address, an image for facial recognition, a drivers license number and a date of birth, which is more than enough for an unethical site operator or a hacker who phishes the upload or sets a "click here for the really hot stuff" honeytrap, to take out credit cards in Dad's name, ruin the family's credit and cause great hardship.

The question becomes what in this scenario is the most harmful and the bigger catastrophe? Seeing some porn or feeling guilty because your desires caused your family to experience financial insecurity and harm that is difficult and complicated to remedy? It is likely that the guilt and trauma of the second stays with the young man for the rest of his life. Similarly, an adult of legal age who is victimized while age-verifying for content will be very angry if the financial consequences are severe.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Family Council (co-sponsor)  
 Family Policy Alliance (co-sponsor)  
 The Age Verification Providers Association (co-sponsor)  
 California Baptist for Biblical Values  
 California Catholic Conference  
 Church State Council  
 Concerned Women for America  
 Exodus Cry  
 Interfaith Statewide Coalition  
 Magdalene Hope, INC.  
 My Friend's House Assembly of God Church  
 Pacific Justice Institute - Center for Public Policy  
 Real Impact Oceanside  
 8 Individuals

**Opposition**

Electronic Frontier Foundation

Foundation for Individual Rights and Expression (FIRE)

Free Speech Coalition

Chamber of Progress

Oakland Privacy

**Analysis Prepared by:** Manuela Boucher-de la Cadena / JUD. / (916) 319-2334