

April 9, 2026

The Honorable Rebecca Bauer-Kahan
Chair, Assembly Committee on Privacy and Consumer Protection
1020 N Street, Room 162
Sacramento, CA 95814

Re: AB 1946 (Wicks) - Reporting Mechanism CSAM - Concerns

Dear Chair Bauer-Kahan,

On behalf of the following organizations and our members, I am writing to express initial concerns with AB 1946 (Wicks).

Our associations and our member companies strongly support the author's efforts to eradicate online sex trafficking, the distribution of child sexual abuse material (CSAM), and nonconsensual intimate imagery (NCII). Our commitment, and our member companies' commitment, to fighting back against sexual predators is crystal clear: the internet, and any platforms on it, should not be a safe haven for these activities and criminals should be prosecuted to the fullest extent of the law.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of American innovation by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes more than 100 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

Our member companies take multi-faceted approaches to combat CSAM and commercial sexual exploitation on their services by creating and sharing software detection tools as well as partnering with local, state, and federal law enforcement agencies and the National Center for Missing and Exploited Children (NCMEC). NCMEC takes in federally mandated reports from our companies, assesses them, and refers them to federal, state, local and international law enforcement for investigation. Our members have made considerable investments, pioneered new technologies, and are proud partners in the global fight against CSAM.

In 2023, TechNet and our coalition were active and willing participants in conversations and negotiations during the passage of AB 1394 (Wicks). We approached every conversation with the goal of creating the strongest piece of legislation in the country related to the removal of child sexual assault material from the internet. Our companies and their internal teams have many years' worth of experience not only designing new tools to combat CSAM but also creating new partnerships with victims' advocates, nonprofits, and law enforcement, which informed our engagement and negotiations. TechNet convened dozens of meetings with our member companies and a coalition of tech associations to work on substantive policy suggestions. As an example of how

difficult this task is, we had several promising policies that we quickly realized were either unconstitutional, unworkable, or both. Legislating in this space is difficult and we did our level best to make sure there was no stone unturned.

We plan to approach conversations with the authors of AB 1946 with the same commitment and rigor as we did three years ago. We appreciate the outreach from the author's office to discuss initial thoughts and concepts. Now that there is substantive language in AB 1946 we will begin reviewing with our member companies and their teams to provide thoughtful feedback and suggestions. However, since this language was amended on Monday April 6, we have only begun this process and will have more thorough feedback as soon as possible.

We will highlight a few issues that warrant additional discussion and potential amendments.

- Expansion of access to the reporting mechanism in 3273.66 to all users. While many platforms already allow all users to report CSAM, we want to consider how this expansion interacts with other provisions in the bill and current law to minimize unintended consequences.
- First and Fourth Amendment considerations. AB 1394 struck a careful, but tenuous balance regarding constitutional issues related to the free speech protections of the First Amendment and the protections against warrantless searches in the Fourth Amendment. We want to carefully consider how changes requiring hash-matching, human-review, and changes to the enforcement in this bill affect that balance as it relates to private-actor searches and state actor analyses under the Fourth Amendment. The last thing TechNet, our coalition, or our members want is for a criminal defendant to be able to overturn their conviction based on evidence collected as a result of this bill.
- Expansion of the definition of "child sexual abuse material" to include an individual who "reasonably appears to be a minor" and digital forgeries
- Changes to the compliance timeline from 30 days to 48 hours will likely have significant unintended consequences and also confusion as to which timeframe is controlling.
- Regulatory authority for the Attorney General to define "clear and conspicuous", which is well-defined in BPC 17601.
- Providing audits directly to the Attorney General and by request to public prosecutors.

Thank you for your consideration and we look forward to continued conversations around AB 1946 and the broader fight against CSAM.

If you have any questions regarding our position, please contact Robert Boykin at rboykin@technet.org or 408.898.7145.

Sincerely,



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