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June 17, 2026

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

Re: SB 1130 (Reyes) – Wearable Recording Devices - Oppose

Dear Chair Schultz,

On behalf of TechNet and the above entities, we respectfully oppose SB 1130 (Reyes), which would establish new criminal and civil liabilities related to the use of wearable recording devices in places of business. We appreciate the author's intent to protect individuals' privacy and prevent non-consensual recording in sensitive environments, and we recognize that amendments made since the bill's introduction have been in response to other stakeholders. However, as drafted, SB 1130 continues to raise significant concerns regarding overbreadth, unclear standards, and the imposition of liability on entities that lack the ability to control user behavior.

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.

#### Overbroad Definition Continues to Create Unintended Liability for Manufacturers

SB 1130 defines a "wearable recording device" broadly to include any device designed to be worn on or attached to the body that has the capacity to make sound or video recordings or transmit data to another device or the internet. In practice, this definition continues to encompass a wide range of everyday consumer technologies, including action cameras, body-mounted tablets, and other wearable devices, that consumers use for entirely lawful and innocuous purposes.

This concern is especially significant for the restaurant and hospitality sectors, where workers regularly use wearable communication devices like earpieces and headsets to coordinate service and communicate with colleagues across a venue. Modern devices have mostly shifted from traditional radio signals to transmitting data via WiFi or internet. According to the bill's current wording, any device "designed to be worn on or attached to the body" that can "make sound or video recordings or transmit data ... to another device or the internet" would be classified as a wearable recording device, even if its primary use is only transmitting voice communications among staff. This could make hospitality employers and workers liable under criminal or civil law simply for using essential communication tools to serve customers, which clearly contradicts the bill's intended purpose.

Because existing provisions of the Penal Code define “person” to include business entities, and because the bill prohibits a “person” from “operating” such a device without defining the term “operate,” the bill could have the unintended consequence of exposing device manufacturers to criminal and civil liability for the independent actions of their customers. Given the broad, ordinary meaning of “operate,” and the fact that a manufacturer may control how a device functions, including, in some cases, how recorded data is transmitted or stored, a prosecutor or private litigant could argue that the manufacturer is “operating” the device whenever a customer uses it to capture sound or video. A manufacturer of an action camera or similar device, however, has no practical ability to control whether or how a purchaser uses that device in public or private settings.

This is particularly significant given the bill’s private right of action. Imposing liability on a business for conduct it cannot control would represent a significant departure from the well-established principle that responsibility for unlawful recording should rest with the individual who chooses to engage in that conduct — the wearer — not the business that manufactured or sold the device.

#### Liability Should Attach to the User, Not the Manufacturer

The bill would be more appropriately tailored by clarifying that liability applies to the individual actually using the device to record audio or video, the wearer, rather than to a business that simply manufactures or sells the device.

Absent this clarification, SB 1130 risks sweeping in a broad range of entities far removed from the conduct the bill seeks to regulate and lacking the practical ability to prevent misuse.

#### New Anti-Circumvention Provisions Rely on an Unworkable “Primary Purpose” Standard

We recognize that the provisions addressing technology designed to disable a wearable recording device’s indicator light are intended to target a different category of conduct than the core recording prohibition, and we do not object to liability attaching broadly to those who manufacture, sell, or use such circumvention technology. However, the standard the bill uses to define this conduct is unworkable as drafted.

Section 22949.86 prohibits manufacturing, selling, or offering for sale any technology “designed for the primary purpose of, marketed primarily for, or likely primarily used for” disabling a device’s recording indicator. This “primary purpose” and “primarily marketed” framing introduces substantial uncertainty into an already difficult standard. A retailer has no reliable way to evaluate whether a disabling feature is a primary or merely secondary design purpose of a product it sells. Similarly, a manufacturer or distributor has no practical way to determine whether a downstream retailer’s marketing of a device will “primarily” emphasize a disabling feature it did not design or control. Businesses operating in good faith should not face civil penalties based on a standard this subjective and difficult to apply in practice.

We recommend that the Legislature replace this standard with a knowledge-based requirement, for example, liability should attach only where a person knowingly manufactures, sells, or distributes a product for the specific purpose of enabling the disabling of a recording indicator. A knowledge standard would preserve the bill’s intent

to deter genuine circumvention technology while providing businesses with a clear, administrable compliance standard.

### “Reasonable Expectation of Privacy” Standard Remains Unclear and Unworkable

SB 1130 continues to prohibit recording in any area within a “place of business” as defined broadly as any office or retail establishment open to members of the public where a person has a “reasonable expectation of privacy.” Neither term is defined with the specificity necessary to provide fair notice of what conduct is prohibited, and the combination of an expansive “place of business” definition with an undefined privacy standard creates genuine uncertainty even for everyday, well-intentioned conduct.

Consider a few examples. A patient in a doctor’s office waiting room records a card game with a family member while waiting, and the recording incidentally captures another patient seated in the background. The waiting room is unquestionably a “place of business,” and the other patient may well believe they have a reasonable expectation of privacy there, but it is not clear whether the outcome would differ if the same recording occurred in a hallway near treatment rooms rather than the waiting room itself.

Or consider a fitness studio that conducts weigh-ins on the sidewalk outside its entrance before class. The sidewalk may be the studio’s property and thus a “place of business,” and a participant being weighed, in view of a scale display, may believe they have a reasonable expectation of privacy in that moment. Would a passerby recording their daily commute for a personal video log be liable if their device incidentally captures that participant?

These are not far-fetched hypotheticals. They are the kinds of everyday situations this bill’s current standard cannot reliably answer. This lack of clarity is especially concerning in a bill that imposes criminal penalties. California’s existing criminal laws addressing non-consensual recording in sensitive contexts are, by contrast, drafted with considerable specificity.

### A More Targeted, Specific Standard Already Exists in California Law

Penal Code Section 647(j)(3) addresses closely related conduct, using a concealed camera or device to photograph or record individuals in circumstances involving undress or sexual activity, and does so by enumerating, with precision, the specific circumstances and locations the prohibition covers. That level of specificity gives the public clear notice of what conduct is prohibited while still providing meaningful protection against genuinely harmful recording.

We recommend that the Legislature amend SB 1130 to adopt a similarly specific approach: rather than relying on the undefined “reasonable expectation of privacy” standard tied to a broadly defined “place of business,” the bill should enumerate the specific circumstances in which recording without consent is prohibited, consistent with the model already established in Section 647(j)(3). This approach would provide the clarity necessary for both businesses and individuals to understand their obligations while still meaningfully protecting individuals in genuinely sensitive situations.

We share the author's goal of protecting individuals' privacy and preventing non-consensual recording in genuinely sensitive circumstances. We also appreciate the thoughtful amendments made to date, including the protections added for recording law enforcement officers in public. However, SB 1130, as drafted, continues to raise significant concerns related to overbreadth, unclear standards, and the imposition of liability on businesses that cannot control how their products are used by customers.

For these reasons, TechNet and the signed entities, respectfully oppose SB 1130 and urges the Legislature to consider a more targeted and clearly defined approach.

If you have any questions regarding our position, please contact Robert Boykin at [rboykin@technet.org](mailto:rboykin@technet.org) or 408.898.7145.

Sincerely,



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