

# California Social Media Platform Liability for Child Sexual Abuse and Trafficking

*Bill to hold social media platforms liable for online sexual exploitation and trafficking of children.*

*AB 1394, authored by Assemblymember Buffy Wicks (14th Assembly District)*

**What does AB 1394 do?** AB 1394 addresses the soaring rates of child sexual exploitation and child sex trafficking online by amending current law to hold social media platforms accountable to survivors when the platforms knowingly or negligently facilitate, aid, or abet child exploitation or trafficking. Social media platforms would face the paying of damages to child survivors (needed for their care and treatment) and civil penalties for each unlawful act. The bill also empowers survivors haunted by the prospect of images and videos about them lingering on platforms to require this content be rendered invisible, with the ability to recover penalties against platforms that deny their requests.

**Why is this law necessary?** [Social media companies are aware](#) that sexual abuse, exploitation, and trafficking of children are originating on their platforms. Their reliance on inadequate self-policing is facilitating the dramatic increase in online sexual exploitation.

- California kids are spending more time on social media: [38% of tweens and 84% of teens use social media](#), including 18% of tweens and 62% of teens who said they use it every day.

- [One quarter of 9- to 17-year-olds](#) report having had a sexually explicit interaction online with someone they believed to be an adult.

- Since 2000, traffickers have recruited [55% of sex trafficking victims online](#), usually through social media platforms.

- [Nearly 1 in 3 LGBTQ+ minors \(32%\)](#) reported an online sexual encounter with someone they believed to be over 18, 10% higher than their non-LGBTQ+ peers.

**What are platforms' obligations under AB 1394?** A social media platform shall not knowingly, recklessly, or negligently facilitate, aid, or abet commercial sexual exploitation of children. This includes platform designs, features, or affordances that the social media platform knows, or should know, cause child users to be victims of commercial sexual exploitation, such as product design that facilitates the use of code words for sexual predators to describe the type of child and the type of sexual activity. Further, the bill requires platforms, when notified, to render images or videos of children permanently invisible, helping survivors to reduce fear of repeated victimization.

**How will this law be enforced?** AB 1394 would amend existing law permitting survivors to sue those that trafficked them to include large social media platforms. It would also permit suits against platforms that refuse a child and/or guardian's demand to render their images and videos invisible.



## AB 1394 Supporters

Common Sense Media

Children's Advocacy Institute

#HalftheStory

American Association of University Women California (AAUW CA)

*"The current legal system isn't protecting our kids... As any parent knows, we have to take more action."*

- **State Assemblymember Buffy Wicks, D-Berkeley**

*"We must keep our kids safe at all costs, and this bill will now make it possible for social media companies to finally be held accountable for the horrifying practices of online child sex trafficking."*

- **James P. Steyer, founder and CEO of [Common Sense Media](#)**

*"All social media companies need to do far more in preventing their child-enticing platforms from being places where children are sexually exploited and lured into being sexually trafficked."*

- **Ed Howard, senior counsel at [Children's Advocacy Institute](#)**

*"Every minor with a social media account is at risk for social trafficking. What begins as an unsolicited message can end a life."*

- **Larissa May, founder of [#HalfTheStory](#)**

*"The American Association of University Women of California advocates for equity for women and girls. Those caught in the web of human trafficking are harmed not only physically and mentally, but their opportunities for a secure future languish."*

- **Kathi Harper, Public Policy Chair of AAUW CA**

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