

AMENDED IN SENATE MAY 23, 2025

SENATE BILL

No. 50

Introduced by Senator Ashby

December 16, 2024

An act to add Chapter 35.5 (commencing with Section 22948.30) to Division 8 of the Business and Professions Code, and to amend Section 6320 of the Family Code, relating to connected devices.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as amended, Ashby. Connected devices: device protection requests.

Existing law authorizes a court to issue a restraining order to a person to prevent abuse, as specified, based on reasonable proof of a past act or acts of abuse. Existing law authorizes the order to be issued solely on the affidavit or testimony of the person requesting the restraining order.

Existing law requires a manufacturer of a connected device to equip the device with a reasonable security feature or features that are appropriate to the nature and function of the device, appropriate to the information it may collect, contain, or transmit, and designed to protect the device and information contained in the device from unauthorized access, destruction, use, modification, or disclosure.

~~This bill would bill, except as specified, would~~ require an account manager, as defined, to terminate or disable a connected device or account access to a perpetrator, as defined, commencing no later than 2 days after a device protection request is submitted to the account manager by a survivor of that ~~perpetrator~~. *perpetrator or by an eligible organization, as defined, on behalf of a survivor.* The bill would specify the requirements for a survivor *or the eligible organization* to submit

a device protection request and would impose certain requirements on an account manager regarding the process for submitting a request. By providing that a survivor *or the eligible organization* may include a copy of a signed affidavit to submit a device protection request, and thus expanding the crime of perjury, this bill would impose a state-mandated local program.

This bill would authorize an account manager to comply with the above-described requirements by including a means by which a person with physical access to the connected device may reset the connected device to its factory settings or a similar state that removes any existing account holders from the device.

This bill would require the account manager to notify the survivor *or the eligible organization* of specified information and require an account manager and any officer, director, employee, vendor, or agent thereof to treat any information submitted by a survivor *or the eligible organization* as confidential and securely dispose of the information, as provided.

This bill would authorize enforcement of these provisions by injunction or civil penalty in any court action by any person injured by a violation of those provisions, the Attorney General, a district attorney, county counsel, a city attorney, or a city prosecutor, against an account manager or perpetrator, as provided. The bill would prohibit a waiver of these prohibitions and would declare that these provisions are severable.

Existing law authorizes a court to issue an ex parte order for, among other things, disturbing the peace of the other party. Existing law provides that disturbing the peace of the other party may be committed directly or indirectly, including through the use of a third party, and by any method or through any means including, but not limited to, telephone, online accounts, text messages, internet-connected devices, or other electronic technologies.

This bill would provide that, for purposes of those provisions, an internet-connected device includes a connected device as described in the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) According to the National Domestic Violence Hotline, almost
4 one-half of all women and men in the United States have
5 experienced psychological aggression by an intimate partner in
6 their lifetime.

7 (b) According to the National Network to End Domestic
8 Violence, 97 percent of domestic violence programs report that
9 abusers misuse technology to stalk, harass, and control victims.

10 (c) An increase in the use of technology has become a
11 concerning tool in cases of domestic violence and harassment.
12 Perpetrators leverage smartphone applications to remotely control
13 everyday objects to exercise control over, monitor, and abuse their
14 victims.

15 (d) Domestic violence, dating violence, stalking, sexual assault,
16 human trafficking, and related crimes are life-threatening issues
17 and have lasting and harmful effects on individuals, families, and
18 entire communities.

19 (e) Survivors often lack meaningful support and options when
20 establishing independence from an abuser, including barriers such
21 as financial insecurity and limited access to reliable
22 communications tools to maintain essential connections with
23 family, social safety networks, employers, and support services.

24 (f) Laws related to the use of technology can play a public
25 interest role in the promotion of safety, life, and property with
26 respect to these types of violence and abuse. Independent access
27 to devices can assist survivors in establishing security and
28 autonomy.

29 (g) Safeguards within tech-based services can serve a role in
30 preventing abuse and narrowing the digital divide experienced by
31 survivors of abuse.

32 SEC. 2. Chapter 35.5 (commencing with Section 22948.30) is
33 added to Division 8 of the Business and Professions Code, to read:

CHAPTER 35.5. CONNECTED DEVICES

22948.30. For purposes of this chapter, the following definitions apply:

(a) “Account manager” means a person or entity that provides an individual an internet-based or app-based user account, or a third party that manages those user accounts on behalf of that person or entity, that has authority to make decisions regarding user access to those user accounts.

(b) “Connected device” means any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or Bluetooth address or enables a person to remotely obtain data from or send commands to a connected device or account, which may be accomplished through a software application that is designed to be operated on a mobile device, computer, or other technology.

(c) (1) “Covered act” means conduct that constitutes any of the following:

(A) A crime described in Chapter 8 (commencing with Section 236) of Title 8 of Part 1 of the Penal Code.

(B) A crime described in Chapter 1 (commencing with Section 261), Chapter 2 (commencing with Section 270), Chapter 2.5 (commencing with Section 273.8), Chapter 4 (commencing with Section 277), Chapter 5 (commencing with Section 281), Chapter 5.5 (commencing with Section 290), Chapter 7.5 (commencing with Section 311), Chapter 7.6 (commencing with Section 313), or Chapter 8 (commencing with Section 314) of Title 9 of Part 1 of the Penal Code.

(C) An act under federal law, tribal law, or the Uniform Code of Military Justice that is similar to an offense described in subparagraph ~~(A) or (B)~~: (A), (B), (D), or (E).

(D) Domestic violence, as defined in Section 6211 of the Family Code.

(E) A misdemeanor described in subdivision (e) of Section 243 of the Penal Code.

(2) Nothing in paragraph (1) shall be construed to require a criminal conviction or any other determination of a court in order for conduct to constitute a covered act.

(d) “Device access” means the ability to remotely control a connected device, remotely change the characteristics of a

1 connected device, or remotely view or manipulate data collected
2 by or through a connected device, by accessing a user account or
3 accounts associated with the connected device. Acts that require
4 device access include, but are not limited to, remotely manipulating
5 an audio system, security system, light fixture, or other home
6 appliance or fixture.

7 (e) “Device protection request” means a request by a survivor
8 to terminate or disable a perpetrator’s access to a connected device
9 or account, including, but not limited to, the ability of a person to
10 obtain data from or send commands to a connected device or
11 account.

12 (f) “Eligible organization” *may include a governmental or*
13 *nongovernmental organization and means a service provider that*
14 *meets the following criteria:*

15 (1) *Has experience in using national or local networks to serve*
16 *victims of domestic violence.*

17 (2) *Has experience qualifying, providing, and coordinating*
18 *services for victims of domestic violence.*

19 (f)

20 (g) “Perpetrator” means an individual who has committed or
21 allegedly committed a covered act against a survivor or an
22 individual under the care of a survivor.

23 (g)

24 (h) “Survivor” means an individual who has had a covered act
25 committed, or allegedly committed, against the individual, or who
26 cares for another individual against whom a covered act has been
27 committed or allegedly committed, provided that the individual
28 providing care did not commit or allegedly commit the covered
29 act.

30 (h)

31 (i) “User account or account” means an account or other means
32 by which a person enrolls in or obtains access to a connected device
33 or online service.

34 22948.31. (a) ~~Commencing~~ *Except as provided in Section*
35 *22948.33, commencing* no later than two business days after
36 receiving a device protection request ~~from a survivor~~ pursuant to
37 subdivision ~~(b)~~, (b) *from a survivor, or an eligible organization*
38 *on behalf of a survivor*; an account manager shall terminate or
39 disable a connected device or account access to a perpetrator, as
40 identified in the request.

1 (b) In the case of a survivor seeking to deny a perpetrator device
2 or account access, the survivor *or the eligible organization* shall
3 submit to the account manager a device protection request that
4 includes all of the following:

5 (1) A verification that the perpetrator has committed or allegedly
6 committed a covered act against the survivor or an individual in
7 the survivor's care, by providing either of the following:

8 (A) A copy of a signed affidavit from a licensed medical or
9 mental health care provider, licensed military medical or mental
10 health care provider, licensed social worker, victim services
11 provider, or licensed military victim services provider, a temporary
12 restraining order, an emergency protective order, or a protective
13 order lawfully issued pursuant to Section 527.6 of the Code of
14 Civil Procedure, Part 3 (commencing with Section 6240) or Part
15 4 (commencing with Section 6300) of Division 10 of the Family
16 Code, or Section 136.2 of the Penal Code.

17 (B) A copy of a police report, statements provided by police,
18 including military police, to magistrates or judges, charging
19 documents, protective or restraining orders, military protective
20 orders, or any other official record that documents the covered act,
21 including a copy of a written report by a peace officer employed
22 by a state or local law enforcement agency acting in the peace
23 officer's official capacity stating that the individual has filed a
24 report alleging victimization of an act or crime.

25 (2) Verification of the survivor's exclusive legal possession or
26 control of the connected device, including, but not limited to, a
27 dissolution decree, temporary restraining order, protective order,
28 domestic violence restraining order, or other document indicating
29 the survivor's exclusive use care, possession, or control of the
30 connected device.

31 (3) Identification of the connected device or devices.

32 (4) Identification of the person that the requester seeks to deny
33 device or account access.

34 (c) An account manager shall offer a survivor *or the eligible*
35 *organization* the ability to submit a device protection request under
36 subdivision (b) through secure remote means that are easily
37 navigable. Except as specified under subdivision (b), an account
38 manager shall not require a specific form of documentation to
39 submit a device protection request.

1 (d) An account manager shall make information about the
2 options and process described in subdivision (b) publicly available
3 on the internet website and mobile application, if applicable, of
4 the account manager.

5 (e) An account manager shall notify the survivor *or the eligible*
6 *organization* of both of the following:

7 (1) The date on which the account manager intends to give any
8 formal notice to the perpetrator that has had their device or account
9 access denied.

10 (2) That the account manager may contact the ~~survivor, or~~
11 ~~designated representative of the survivor,~~ *survivor or the eligible*
12 *organization* to confirm that the perpetrator's device or account
13 access is denied, or to notify the survivor that the device protection
14 request is incomplete.

15 (f) An account manager shall not condition a device protection
16 request submitted in accordance with subdivision (b) upon any of
17 the following:

18 (1) Payment of a fee, penalty, or other ~~charge.~~ *charge for the*
19 *survivor or the eligible organization to submit a request, or for*
20 *the account manager to carry out the request.*

21 (2) Approval of the device protection request by any person
22 who has device or account access that is not the survivor.

23 (3) A prohibition or limitation on the ability to deny device or
24 account access to a perpetrator as a result of arrears accrued by
25 the account or associated with the connected device.

26 (4) An increase in the rate charged for the account if any
27 subscription fee or other recurring charge for account access
28 applies.

29 (5) Any other limitation or requirement not listed under
30 subdivision (b).

31 (g) (1) An account manager and any officer, director, employee,
32 vendor, or agent thereof shall treat any information submitted by
33 a survivor *or the eligible organization* under this section as
34 confidential and securely dispose of the information not later than
35 90 days after receiving the information.

36 (2) Nothing in paragraph (1) shall be construed to prohibit an
37 account manager from maintaining, for longer than the period
38 specified in that paragraph, a record that verifies that a survivor
39 *or the eligible organization* fulfilled the conditions of a device
40 protection request under subdivision (b).

1 22948.32. (a) (1) An account manager that fails to deny a
2 perpetrator access in compliance with subdivision (a) of Section
3 22948.31 or otherwise does not comply with the requirements
4 described in Section 22948.31 shall be deemed in violation of this
5 chapter.

6 (2) A perpetrator that maintains or exercises device or account
7 access, including by disturbing the peace of the other party, as
8 described in subdivision (c) of Section 6320 of the Family Code,
9 despite having their device or account access denied pursuant to
10 subdivision (a) of Section 22948.31, shall be deemed in violation
11 of this chapter.

12 (b) (1) Actions for relief pursuant to this chapter may be
13 prosecuted exclusively in a court of competent jurisdiction in a
14 civil action brought by any person injured by the violation or in
15 the name of the people of the State of California by the Attorney
16 General, a district attorney, county counsel, a city attorney, or a
17 city prosecutor.

18 (2) A court may enjoin a person or entity who engages, has
19 engaged, or proposes to engage in a violation of this chapter. The
20 court may make any orders or judgments as may be necessary to
21 prevent *or remedy* a violation of this chapter.

22 (3) A person or entity who engages, has engaged, or proposes
23 to engage in a violation of this chapter shall be liable for a civil
24 penalty not to exceed two thousand five hundred dollars (\$2,500)
25 *per violation* for each connected device in violation of this chapter.
26 *If multiple violations of this chapter are alleged in any civil action,*
27 *they shall be specifically alleged, and a court of competent*
28 *jurisdiction shall make specific findings as to each violation.* If
29 the action is brought by the Attorney General, the penalty shall be
30 deposited into the General Fund. If the action is brought by a
31 district attorney or county counsel, the penalty shall be paid to the
32 treasurer of the county in which the judgment was entered. If the
33 action is brought by a city attorney or city prosecutor, the penalty
34 shall be paid to the treasurer of the city in which the judgment was
35 entered. If the action is brought by a person injured by the violation,
36 the penalty shall be awarded to that person.

37 22948.33. *An account manager may comply with Section*
38 *22948.31 by including a means by which a person with physical*
39 *access to the connected device may reset the connected device to*

1 *its factory settings or a similar state that removes any existing*
2 *account holders from the device.*

3 ~~22948.33.~~

4 22948.34. Any waiver of the provisions of this chapter is
5 contrary to public policy and void and unenforceable.

6 ~~22948.34.~~

7 22948.35. (a) The duties and obligations imposed by this
8 chapter are cumulative with any other duties or obligations imposed
9 under other law, and shall not be construed to relieve any party
10 from any duties or obligations imposed under other law.

11 (b) The remedies or penalties provided by this chapter are
12 cumulative to each other and to the remedies or penalties available
13 under all other laws of the state.

14 ~~22948.35.~~

15 22948.36. Notwithstanding any other provision of this chapter,
16 any entity that is subject to the federal Safe Connections Act of
17 2022 (Public Law 117-223) or regulations of the Federal
18 Communications Commission adopted pursuant to the authority
19 of that law, shall not be subject to this chapter.

20 22948.37. *Notwithstanding any other provision of this chapter,*
21 *an entity that is subject to Chapter 6 (commencing with Section*
22 *28200) of Division 12 of the Vehicle Code shall not be subject to*
23 *this chapter.*

24 ~~22948.36.~~

25 22948.38. The provisions of this chapter are severable. If any
26 provision of this chapter or its application is held invalid, that
27 invalidity shall not affect other provisions or applications that can
28 be given effect without the invalid provision or application.

29 SEC. 3. Section 6320 of the Family Code is amended to read:

30 6320. (a) The court may issue an ex parte order enjoining a
31 party from molesting, attacking, striking, stalking, threatening,
32 sexually assaulting, battering, credibly impersonating as described
33 in Section 528.5 of the Penal Code, falsely personating as described
34 in Section 529 of the Penal Code, harassing, telephoning, including,
35 but not limited to, making annoying telephone calls as described
36 in Section 653m of the Penal Code, destroying personal property,
37 contacting, either directly or indirectly, by mail or otherwise,
38 coming within a specified distance of, or disturbing the peace of
39 the other party, and, in the discretion of the court, on a showing
40 of good cause, of other named family or household members.

(b) On a showing of good cause, the court may include in a protective order a grant to the petitioner of the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent. The court may order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

(c) As used in this subdivision (a), “disturbing the peace of the other party” refers to conduct that, based on the totality of the circumstances, destroys the mental or emotional calm of the other party. This conduct may be committed directly or indirectly, including through the use of a third party, and by any method or through any means including, but not limited to, telephone, online accounts, text messages, internet-connected devices, including connected devices as defined in Section 22948.30 of the Business and Professions Code, or other electronic technologies. This conduct includes, but is not limited to, coercive control, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person’s free will and personal liberty. Examples of coercive control include, but are not limited to, unreasonably engaging in any of the following:

(1) Isolating the other party from friends, relatives, or other sources of support.

(2) Depriving the other party of basic necessities.

(3) Controlling, regulating, or monitoring the other party’s movements, communications, daily behavior, finances, economic resources, or access to services.

(4) Compelling the other party by force, threat of force, or intimidation, including threats based on actual or suspected immigration status, to engage in conduct from which the other party has a right to abstain or to abstain from conduct in which the other party has a right to engage.

(5) Engaging in reproductive coercion, which consists of control over the reproductive autonomy of another through force, threat of force, or intimidation, and may include, but is not limited to, unreasonably pressuring the other party to become pregnant, deliberately interfering with contraception use or access to

1 reproductive health information, or using coercive tactics to control,
2 or attempt to control, pregnancy outcomes.

3 (d) This section does not limit any remedies available under
4 this act or any other provision of law.

5 SEC. 4. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.