

Date of Hearing: April 3, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2932 (Joe Patterson) – As Introduced February 15, 2024

SUBJECT: Pupil instruction: sextortion prevention

SUMMARY: Requires that all students, once in middle and once in high school, receive instruction on sextortion, as defined, as part of instruction pursuant to the California Healthy Youth Act. Specifically, **this bill:**

- 1) Defines “sextortion” to mean the threat to use sexual or intimate images or videos, however obtained, to compel another person to produce sexual or intimate images or videos, engage in sexual acts, or provide anything of value.
- 2) Requires each school district to ensure that all pupils in grades 7 to 12, inclusive, at least once in junior high or middle school and at least once in high school, receive instruction on sextortion.
- 3) Requires that continuation training be available and conducted periodically to enable school district personnel to learn about sextortion, as a form of abuse. Encourages a school district to include training on early identification of sextortion, as a form of abuse.
- 4) States that a school district may provide sextortion education, including instruction on the prevalence and nature of sextortion, and human trafficking, strategies to reduce risk, techniques to set healthy boundaries, and how to safely seek assistance.

EXISTING LAW:

- 1) Requires that students in grades 7 to 12, inclusive, receive instruction at least once in junior high or middle school and once in high school about adolescent relationship abuse and intimate partner violence, including the early warning signs thereof. (Education Code (EC) 51934)
- 2) Authorizes a school district to provide optional instruction, as part of comprehensive sexual health education and HIV prevention education, regarding the potential risks and consequences of creating and sharing sexually suggestive or sexually explicit materials through cellular telephones, social networking websites, computer networks, or other digital media. (EC 51934)
- 3) Requires public schools, including charter schools, and private schools, that serve students in any of grades 7 to 12, and public and private institutions of higher education that issue pupil or student identification cards, to print the telephone number for the National Domestic Violence Hotline and local domestic violence hotlines on those identification cards. (EC 215.5)
- 4) Requires the California Department of Education (CDE) to post on its website resources on teen dating violence prevention, local and national hotlines and services for youth

experiencing teen dating violence, and other relevant sources for parents, guardians, and other caretakers of students. (EC 231.7)

- 5) Requires that, when the health education framework is revised after January 1, 2017, the Instructional Quality Commission (IQC) consider including comprehensive information for kindergarten and grades 1 to 8, inclusive, on the development of healthy relationships, which is age and developmentally appropriate and consistent with the health education standards adopted by the State Board of Education (SBE). (EC 33546)
- 6) States that, for purposes of this section, the “development of healthy relationships” includes, but is not limited to:
 - a) Understanding the principles of treating one another with respect, dignity, and kindness;
 - b) Demonstrating the ability to use interpersonal communication skills to address and resolve disagreement and conflict; and
 - c) Recognizing when and how to respond to dangerous or other situations that may result in the bullying, harassment, harming, or hurting of another person. (EC 33546)
- 7) Requires that, when the health education framework is revised after January 1, 2016, the IQC consider including comprehensive information for grades 9 to 12, inclusive, on sexual harassment and violence that includes, but is not limited to, all of the following:
 - a) Information on different forms of sexual harassment and violence, including instances that occur among peers and in a dating relationship; a discussion of prevention strategies; how students report sexual harassment and violence; and potential resources victims can access;
 - b) Discussion of the affirmative consent standard, as defined, and skills students may use to establish boundaries in peer and dating relationships; and
 - c) Discussion of legal aspects of sexual harassment and violence under state and federal law. (EC 33544)
- 8) Requires that, if the governing board of a school district requires a course in health education for graduation from high school, the governing board of the school district include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard, as defined. (EC 33544)
- 9) Requires that, if the governing board of a school district provides instruction on sexual harassment and violence, it ensures teachers consult information related to sexual harassment and violence in the health education framework when delivering health instruction. (EC 51225.36)
- 10) Requires that when the health education framework is next revised after January 1, 2015, the IQC consider including a distinct category on sexual abuse and sex trafficking prevention education that includes, but is not limited to, all of the following:

- a) Information on different forms of sexual abuse and assault; discussion of prevention strategies; how to report sexual abuse or suspected sexual abuse; and local resources for victims;
 - b) Discussion of healthy boundaries for relationships; how to recognize potentially harmful and abusive relationships; and refusal skills to overcome peer pressure and to avoid high-risk activities;
 - c) Information on sex trafficking and risk factors; the recruiting tactics of sex traffickers and peer recruiters, including recruitment through the internet; how to report sex trafficking or suspected sex trafficking; and local resources for victims;
 - d) Discussion of legal aspects of sexual abuse and sex trafficking under state and federal laws; and
 - e) Discussion of how culture and mass media influence and desensitize our perceptions of sexual abuse and sex trafficking, including, but not limited to, stereotypes and myths about the victims and abusers, victim blaming, and the role of language. Requires that this instruction emphasize compassion for people who have suffered from sexual abuse or sex trafficking, and support positive reentry experiences for survivors returning to school. (EC 33545)
- 11) Authorizes a school district to provide sexual abuse and sex trafficking prevention education, defined as instruction on the prevalence and nature of sexual abuse and sex trafficking, strategies to reduce their risk, techniques to set healthy boundaries, and how to safely report an incident.
- 12) States that a parent or guardian of a student has the right to excuse his or her child from all or part of sexual abuse and sex trafficking prevention education, and assessments related to that education.
- 13) Authorizes the CDE to make available on its website resources on sexual abuse and sex trafficking prevention for professional learning purposes, and relevant materials for parents and guardians of students.
- 14) Encourages schools to collaborate with law enforcement on intervention programs for high-risk students and minors.
- 15) Authorizes in-service training to be conducted periodically to enable school district personnel to learn about new developments in the understanding of sexual abuse and sex trafficking, and to receive instruction on current prevention efforts and methods. (EC 51950)

FISCAL EFFECT: This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. The author states, “Unfortunately, sextortion is a real and growing threat that has seeped into the lives of our children. As a father of four young children, I feel it is my

responsibility to represent the voices of parents in my district and throughout California. That's why I have introduced legislation to require age-appropriate information about what sextortion is and how children can protect themselves. This is a fast growing problem and we must act now."

Sextortion. According to materials provided by the author, the Federal Bureau of Investigations (FBI) reports that:

Sextortion can start on any site, app, messaging platform, or game where people meet and communicate. In some cases, the first contact from the criminal will be a threat. The person may claim to already have a revealing picture or video of a child that will be shared if the victim does not send more pictures. More often, however, this crime starts when young people believe they are communicating with someone their own age who is interested in a relationship or with someone who is offering something of value.

After the criminals have one or more videos or pictures, they threaten to publish that content, or they threaten violence, to get the victim to produce more images. The shame, fear, and confusion children feel when they are caught in this cycle often prevents them from asking for help or reporting the abuse. Caregivers and young people should understand how the crime occurs and openly discuss online safety.

Electronic sharing of explicit material, relationship abuse, and sex trafficking addressed under current law and in the health curriculum. This bill would require that students receive instruction twice about sextortion, as defined. As noted above, current law already requires:

- Students in grades 7 to 12, inclusive, receive instruction at least once in junior high or middle school and once in high school about adolescent relationship abuse and intimate partner violence, including the early warning signs thereof;
- As part of comprehensive sexual health education, that LEAs and charter schools provide students with information on local resources for assistance with sexual assault and intimate partner violence; and
- Authorizes a school district to provide optional instruction, as part of comprehensive sexual health education and HIV prevention education, regarding the potential risks and consequences of creating and sharing sexually suggestive or sexually explicit materials through cellular telephones, social networking websites, computer networks, or other digital media. (EC 51934)

Additionally, the health education framework adopted by the SBE in 2019 contains a significant amount of content on healthy relationships, teen dating violence, and sex trafficking, including content on sharing of explicit images through electronic means. One lesson discusses this topic in the context of lessons on abuse:

For technological abuse, students share examples that include cyberbullying, stalking, demanding passwords, sending sexually explicit photographs, demanding sexually explicit photographs, and taking photographs of someone without their knowledge. Ms. L takes this opportunity to talk more about "sexting" and cyber exploitation. Students discuss the dangers of the internet and sharing sexually explicit photographs, even with a boyfriend/girlfriend/ partner(s). As part of this discussion, students recognize that once they

send or allow someone else to take an explicit photograph, they no longer have control of who sees it or where it may be shared, including online.

In the chapter for grades 7-8, the Framework contains an extensive discussion of healthy relationships, dating violence, and sex trafficking, which includes a sample lesson on dating violence. One section reads:

Students build on previous discussions about sexual abuse in relationships and understand that sexually explicit photographs that students take of themselves and send to other students are sometimes used as blackmail to force or coerce victims into sex trafficking. Sending and receiving explicit photographs of anyone under the age of eighteen is also considered possession and/or distribution of child pornography, regardless of the age of the sender and receiver.

In the chapter for grades 9-12, the Framework discusses the sending of sexually explicit messages or images by mobile device, and sending and sharing explicit photographs as a form of abuse.

The Health Education Content Standards adopted by the SBE in 2008 include several standards related to teen dating violence:

Grades 7-8:

- 5.1.S: Use a decision-making process to examine risky social and dating situations.
- 5.2.S: Apply a decision-making process to avoid potentially dangerous situations, such as gang activities, violence in dating, and other social situations.
- 7.5.M: Demonstrate skills to avoid or escape from potentially violent situations, including dating.

Grades 9-12:

- 1.2.S: Recognize potentially harmful or abusive relationships, including dangerous dating situations.

Additionally, current law authorizes school districts to provide education on abuse, including sexual abuse and human trafficking prevention education.

Finally, the CDE is required to post on its website resources on teen dating violence prevention, local and national hotlines and services for youth experiencing teen dating violence, and other relevant sources for parents, guardians, and other caretakers of students.

Arguments in support. The County Health Executives Association of California writes, “Earlier this year, the Sacramento field office of the Federal Bureau of Investigations (FBI) issued an alert warning parents, educators, caregivers, and children about the dangers of sextortion and noted that from October 2022 to March 2023, they observed a more than 20% increase in reporting of financially motivated sextortion incidents involving minor victims compared to the same period the year before. The FBI also highlighted that these incidents could lead to self-harm and have led to suicide with at least 20 minor suicides occurring from October 2021 to

March 2023. California's Healthy Youth Act is the nation's most comprehensive sexual health education and prevention program and adding instruction on a potentially dangerous issue such as sextortion for adolescent Californians is an important enhancement for this vital program."

Recommended Committee amendments. ***Staff recommends that this bill be amended to*** require the IQC, the next time the SBE revises the Health Curriculum Framework or adopts instructional materials in this subject, to consider including in that framework and evaluation criteria content related to sextortion, as defined.

Related legislation. AB 2053 (Mathis) of the 2023-24 Session would require that instruction about adolescent relationship abuse and intimate partner violence include the resources available to students related to adolescent relationship abuse and intimate partner violence, including the National Domestic Violence Hotline and local domestic violence hotlines that provide confidential support services for students that have experienced domestic violence or stalking, and that are available by telephone 24 hours a day.

AB 1071 (Hoover), Chapter 65, Statutes of 2023, requires the CDE to post on its website resources on teen dating violence prevention, local and national hotlines and services for youth experiencing teen dating violence, and other relevant sources for parents, guardians, and other caretakers of students.

SB 316 (Rubio), Chapter 270, Statutes of 2019, requires public schools, including charter schools, and private schools, that serve students in any of grades 7 to 12, and public and private institutions of higher education that issue pupil or student identification cards, to print the telephone number for the National Domestic Violence Hotline and local domestic violence hotlines on those identification cards.

AB 643 (Frazier), Chapter 574, Statutes of 2017, requires that content on the early warning signs of adolescent relationship abuse and intimate partner violence be included in mandated sexual health instruction.

SB 1435 (Jackson) Chapter 633, Statutes of 2016, requires, when the health curriculum framework is next revised after January 1, 2017, the IQC to consider including comprehensive information for kindergarten and grades 1 to 8, inclusive, on the development of healthy relationships, as specified.

SB 592 (Leyva) of the 2015-16 Session would have required school districts to provide educational programs that promote healthy relationships and prevent adolescent relationship abuse to students in grades 6-12, required the Superintendent of Public Instruction (SPI) to provide information for use by schools, and required school safety plans to include procedures and policies to prevent and respond to adolescent relationship abuse. This bill was held in the Senate Appropriations Committee.

AB 329 (Weber), Chapter 398, Statutes of 2015, makes instruction in sexual health education a requirement, revises HIV prevention education content, expands topics covered in sexual health education, requires this instruction to be inclusive of different sexual orientations, and clarifies parental consent policy.

SB 695 (de Leon), Chapter 424, Statutes of 2015, requires the IQC to consider adding content to the health curriculum framework for grades 9-12 on sexual harassment and violence, including

the affirmative consent standard, and requires school districts which require a health course for graduation to include this content.

AB 1227 (Bonta), Chapter 558, Statutes of 2017, establishes the Human Trafficking Prevention Education and Training Act, which allows schools to provide training on human trafficking, and makes changes to the Commercially Sexually Exploited Children Program by, among other things, including educational entities among the groups with whom a county must collaborate, as specified.

SB 1165 (Mitchell), Chapter 713, Statutes of 2014, requires the IQC to consider including sexual abuse and sex trafficking prevention education in the health framework when it is next revised.

REGISTERED SUPPORT / OPPOSITION:

Support

County Health Executives Association of California

Opposition

None on file

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