



August 8, 2023

The Honorable Jesse Gabriel
Chair, Assembly Privacy and Consumer Protection
1020 N Street, Room 162
Sacramento, CA 95814

Subject: California Bill AB 1394 and Its Impact on Marginalized Communities

Dear Asm. Gabriel,

LGBT Technology Partnership & Institute (LGBT Tech), the nation's premier LGBTQ+ organization at the intersection of civil rights and technology policy, respectfully writes today to oppose California Bill AB 1394. LGBT Tech, through its PowerOn program, is a coalition of community organizations devoted to serving LGBTQ+ communities in California and around the country. Grounded in empirical research, we develop programs and resources that support LGBTQ+ individuals and work to educate organizations and policy makers on the unique needs LGBTQ+ individuals face when it comes to technology. Specifically, LGBT Tech developed and operates the PowerOn Program, where affiliated PowerOn centers (Sacramento LGBT Community Center, Diversity Center of Santa Cruz County, LGBTQ Community Center of the Desert, LGBTQ Center Long Beach, and Los Angeles LGBT Center) distribute mobile devices to connect underserved homeless LGBTQ+ youth.

California Bill AB 1394 proposes to regulate online platforms and content hosting services with the intention of combating harmful and illegal content. While we support the bill's aim to protect children, we are concerned that some of its provisions echo similar provisions in the federal FOSTA/SESTA legislation passed in 2018, which had significant detrimental effects on vulnerable and marginalized communities. FOSTA/SESTA, known as the "Fight Online Sex Trafficking Act" and the "Stop Enabling Sex Traffickers Act," respectively, was intended to combat online sex trafficking. However, the implementation of this legislation resulted in unintended and severe consequences for sex workers, survivors of trafficking, and other marginalized groups. The bills' broad language and ambiguity led to platforms preemptively censoring content, including consensual adult sex work, LGBTQ+ resources, and educational material on sexual health.

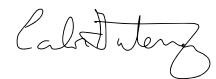
LGBT Technology Partnership

We believe that this bill similarly could inadvertently incentivize social media platforms to censor content because of the liability they may face for hosting potentially illegal or harmful content. To avoid legal repercussions, platforms may resort to overzealous content moderation and censorship, which can stifle free expression and restrict legitimate discussions on sensitive topics. Fear of legal consequences pushes these platforms to err on the side of caution, leading to the removal of potentially controversial but legal content, impacting users' ability to share diverse opinions and engage in open dialogue online. As a result, this could lead to the silencing and erasure of vital voices and resources for vulnerable groups, including LGBTQ+ individuals.

We urge you to consider the devastating effects that legislation like FOSTA/SESTA had on marginalized communities and to carefully assess the potential consequences of California Bill AB 1394. We appreciate your attention to this matter and request that you stand against legislation that might inadvertently harm vulnerable populations in California.

Thank you for your time and consideration.

Sincerely,



Carlos Gutierrez
Deputy Director
LGBT Technology Partnership

cc: The Honorable Buffy Wicks; Senate Appropriations Committee.