



SB-690 Crimes: invasion of privacy. (2025-2026)

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Senate Bill No. 690

CHAPTER 976

An act to amend Section 637.2 of the Penal Code, relating to crimes.

[Approved by Governor September 30, 2026. Filed with Secretary of State
September 30, 2026.]

LEGISLATIVE COUNSEL'S DIGEST

SB 690, Caballero. Crimes: invasion of privacy.

Existing law prohibits a person, other than a provider of electronic or wire communication service for specified purposes, from installing or using a pen register or a trap and trace device, as those terms are defined, without first obtaining a court order. Existing law authorizes a person who has been injured by a violation of that prohibition to bring an action against the person who committed the violation to enjoin and restrain the violation, as well as to bring an action for monetary damages, as specified.

This bill would instead authorize only the Attorney General to bring that action for a violation of the above-described provision if the action is alleged to arise from conduct occurring on an internet website, online application, or mobile application. The bill would provide that this limitation applies retroactively to any pending claim in an action commenced within 2 years before the operative date of the bill. The bill would declare the severability of its provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 637.2 of the Penal Code is amended to read:

637.2. (a) Except as provided in subdivision (d), a person who has been injured by a violation of this chapter may bring an action against the person who committed the violation for the greater of the following amounts:

(1) Five thousand dollars (\$5,000) per violation.

(2) Three times the amount of actual damages, if any, sustained by the plaintiff.

(b) Except as provided in subdivision (d), a person may, in accordance with Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, bring an action to enjoin and restrain a violation of this chapter and may, in the same action, seek damages as provided by subdivision (a).

(c) It is not a necessary prerequisite to an action pursuant to this section that the plaintiff has suffered, or be threatened with, actual damages.

(d) (1) An action against a private actor for a violation of Section 638.51 alleged to arise from conduct occurring on an internet website, online application, or mobile application may be brought under this section only by the Attorney General.

(2) The amendments to this section by Senate Bill No. 690 of the 2025–26 Regular Session apply retroactively to any pending claim in an action commenced within two years before the operative date of that legislation.

(e) This section shall not be construed to affect Title 4 (commencing with Section 3425.1) of Part 1 of Division 4 of the Civil Code.

SEC. 2. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.