A doxxing law victims can actually use

California gave doxxing victims a civil claim in 2025. It is written so narrowly that most victims cannot prove it. We propose a targeted amendment to Civil Code section 1708.89 for the 2027 session, modeled on laws already in force in Oregon and Washington.

ENACTED LAW	OUR PROPOSAL	OPEN QUESTION	ENDORSEMENTS
What statutes and courts say today, with citations	A change we recommend. No bill has been introduced	A problem we have not solved yet	None. No legislator or group has endorsed these drafts

ENACTED LAW

What California does today

Posting someone's personal identifying information online, with intent to place them in reasonable fear for their safety, by a message that incites others to harass them, is a misdemeanor (Pen. Code § 653.2).

Since January 1, 2025, victims can also sue under Civ. Code § 1708.89, added by AB 1979 (Stats. 2024, ch. 557). Remedies include statutory damages of $1,500 to $30,000, punitive damages, attorney fees and an injunction, and the victim may file under a pseudonym.

> **The gap.** The civil claim copies the criminal intent standard. The poster must have meant to put the victim in fear and to cause imminent harm or harassment by someone else. That is very hard to prove, so a remedy that exists on paper rarely helps the person whose home address was posted.

A published appellate decision shows a second limit. In *Luna v. Top Dawg Entertainment* (Oct. 8, 2026, B347645), a doxxing claim over a press release naming the plaintiffs was struck under the anti SLAPP statute, and an accurate report of who filed a lawsuit was protected by the fair report privilege (Civ. Code § 47(d)). The court did not decide what counts as doxxing under the statute.

OUR PROPOSAL

The amendment

- **A usable intent standard.** Cover publishing a person's home address, phone number, workplace or family details without consent, with intent or knowledge that it will be used to stalk, harass or injure them. This tracks Oregon (ORS 30.835) and Washington (RCW 4.24.792).
- **Availability elsewhere is no defense.** Adopt Washington's rule that information being findable somewhere else does not excuse publishing it to target someone.
- **A clear filing deadline** stated in the statute.
- **Written exclusions.** Reporting on matters of public concern, information about public officials' public duties, lawful use of public records, and publication without intent to cause harm stay outside the claim, following Washington's text for news media, public records and petitioning.
- **Awareness.** Plain language court materials so victims know the claim exists, and training so the criminal law is used.

WHY FIRST

Why this reform leads

It amends a statute that already exists rather than creating a new cause of action. It acts only on the person who publishes, which keeps it clear of Section 230. Two neighboring states supply tested statutory language. And the line it draws, between exposing someone so others will hurt them and reporting facts the public has a real interest in, is one courts already apply.

THE FULL AGENDA

Five proposals, in our order of work

Every proposal is written around two limits no California law can change. **Section 230** (47 U.S.C. § 230(c)(1), (e)(3)) bars treating a website or search engine as the publisher of a user's post, and *Hassell v. Bird* (2018) 5 Cal.5th 522 held an order against an author could not be enforced against Yelp. **The First Amendment** protects opinion and truth; a court may order a statement not repeated only after it is found defamatory at trial, and only narrowly (*Balboa Island Village Inn v. Lemen* (2007) 40 Cal.4th 1141). So every proposal acts on authors, or on businesses for their own conduct, and no remedy comes before a final decision.

PROPOSAL	ENACTED LAW TODAY	OUR RECOMMENDED CHANGE	OUR TIMING
5. Doxxing	Pen. Code § 653.2; Civ. Code § 1708.89 (2025) with a hard to prove intent standard	Amend § 1708.89: intent or knowledge that information will be used to stalk, harass or injure	First · 2027
2. No paying to remove	Civ. Code § 1798.91.1 bans fees to remove booking photos; extortion law needs proof of a threat (*People v. Bollaert* (2016) 248 Cal.App.4th 699)	A new Civil Code section aimed at sites that charge private people to remove damaging content about them	Second
3. Anonymous attackers	Doe suits (CCP § 474) and the *Krinsky v. Doe 6* (2008) 159 Cal.App.4th 1154 prima facie test for subpoenas	Codify the Krinsky test as a petition with standard court forms	Third · 2028
1. Ruling on falsity	Only a full defamation suit can produce a ruling that a statement is false	A limited petition deciding whether one exact statement is false and defamatory. No damages; binds the author only	Fourth · 2028
4. Anti SLAPP fees	A prevailing defendant on an anti SLAPP motion is entitled to attorney fees (CCP § 425.16)	Court discretion to reduce fees against private people with good faith claims	On hold

OPEN QUESTIONS

What we have not solved

- How to prove intent in a doxxing claim without chilling journalists.
- How an amended § 1708.89 should treat speech already protected by the anti SLAPP law and the fair report privilege, as *Luna* shows it must.
- How a civil claim should work alongside the Safe at Home address confidentiality program.
- For Proposal 1: an author who cannot be identified or reached. We do not think a court should rule against someone it has no realistic way to reach.

STATUS

Where things stand

No bill carrying any of these proposals has been introduced, and no legislator has agreed to author one. If one does, the bill text would be drafted by California's Office of Legislative Counsel. We record every change and every step on our public tracker.

We are asking legal scholars, free speech organizations and victim advocates to find what is wrong with these drafts. Critiques we receive are folded into the proposals and noted in the change log.

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