

MISSISSIPPI LEGISLATURE

2019 Regular Session

To: Accountability, Efficiency, Transparency; Judiciary A

By: Representative Turner

House Bill 1203

AN ACT TO CREATE THE "STOP SOCIAL MEDIA CENSORSHIP ACT"; TO DEFINE CERTAIN TERMS RELATING TO SOCIAL MEDIA WEBSITES; TO AUTHORIZE A SOCIAL MEDIA WEBSITE USER TO BRING A CAUSE OF ACTION AGAINST A SOCIAL MEDIA WEBSITE FOR CENSORING THE WEBSITE USER'S POLITICAL OR RELIGIOUS SPEECH; TO PROVIDE FOR DAMAGES RELATING TO A CAUSE OF ACTION AGAINST A SOCIAL MEDIA WEBSITE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Stop Social Media Censorship Act."

SECTION 2. As used in this act, the following words and terms have the following meanings, unless a different meaning clearly appears from the context:

(a) "Algorithm" means a set of instructions designed to perform a specific task.

(b) "Hate speech" means words or phrases concerning content that an individual arbitrarily finds offensive based on his or her personal moral beliefs.

(c) "Obscene" means that the dominant theme of the material taken as a whole appeals to prurient interest to an average person when applying contemporary community standards.

(d) "Political speech" means speech relating to the:

(i) State;

(ii) Government;

(iii) Body politic;

(iv) Public administration; or

(v) Government policy making.

"Political speech" includes speech by the government or candidates for office and any discussion of social issues, and it does not include speech that concerns the administration or the law of or relating to the civil aspects of government.

(e) "Public utility" means a business organization performing a public service that is subject to special governmental regulation.

(f) "Religious speech" means a set of unproven answers, truth claims, faith-based assumptions and naked assertions that attempt to explain the greater questions, including, but not limited to, how things were created, what humans should or should not be doing and what happens after death.

(g) "Social media website" or "website" means a website or internet-based application that enables users to communicate with each other by posting information, comments, messages or images, and that is:

(i) Open to the public;

(ii) Has more than seventy-five million (75,000,000) subscribers; and

(iii) Has not been specifically affiliated with any one (1) religion or political party from its inception.

SECTION 3. (1) A social media website is considered a public utility under this act. The owner or operator of a social media website is subject to a private right of action by a social media website user if the website intentionally:

(a) Deletes or censors a website user's religious speech or political speech; or

(b) Uses an algorithm to suppress political speech or religious speech.

(2) Damages available to a website user under this act include, but are not limited to:

(a) A minimum of Seventy-Five Thousand Dollars (\$75,000.00) per intentional deletion or censoring of the website user's speech;

(b) Actual damages;

(c) Punitive damages, if aggravating factors are present; and

(d) Other forms of equitable relief.

(3) The prevailing party in a cause of action under this act may be awarded court costs and reasonable attorney's fees. A social media website that restores from deletion or removes the censoring of a website user's speech

in a reasonable amount of time may use that fact to mitigate any damages. A website shall not use at trial the website user's alleged hate speech as a basis for justification or defense to the website's actions.

(4) A social media website is immune from liability under this act if it deletes or censors a website user's speech or uses an algorithm to disfavor or censure speech that calls for immediate acts of violence, is obscene, or is pornographic in nature. A website is not liable under this act for a website user's censoring of another website user's speech.

(5) A social media website may be paid by a website user to promote religious speech or political speech.

(6) The Attorney General may bring a civil cause of action under this act on behalf of social media website users who reside in this state whose religious speech or political speech has been censored by a social media website.

SECTION 4. This act shall take effect and be in force from and after July 1, 2019.