By:  Blanco S.B. No. 2137

A BILL TO BE ENTITLED

AN ACT

relating to the cooperation between social media companies and law enforcement; imposing a civil penalty.

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

SECTION 1.  Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 117 to read as follows:

CHAPTER 117. SOCIAL MEDIA COMPANIES

Sec. 117.0001.  DEFINITIONS. In this chapter:

(1)  "Economic development agreement" means an agreement entered into between the state or a political subdivision and a business entity to promote state or local economic development and stimulate commercial activity, including an agreement that provides financial or other incentives to the business to expand the business's operations in this state.

(2)  "Law enforcement agency" means an agency of this state or an agency of a political subdivision of this state authorized by law to employ peace officers.

(3)  "Social media company" means a business entity operating a dedicated social media Internet website or other application that enables users to communicate with other users by posting content, including information, comments, messages, and images.

Sec. 117.0002.  REQUIREMENTS FOR SOCIAL MEDIA COMPANIES. (a) A social media company, as a condition of being eligible for economic development incentives authorized by state law, shall:

(1)  timely comply with a law enforcement agency's requests relating to imminent threats to public and personal safety;

(2)  timely report credible threats to a law enforcement agency; and

(3)  collaborate with law enforcement to identify and prevent violence, including by:

(A)  designating one or more employees to work with law enforcement; and

(B)  providing law enforcement with appropriate contact information to submit requests relating to public safety.

(b)  A social media company may not disable law enforcement accounts on the company's social media Internet website being used in the course of an ongoing criminal investigation. A social media company must communicate and coordinate with a law enforcement agency before removing or deactivating a law enforcement account.

(c)  Notwithstanding any other law, a governmental entity may not enter into an economic development agreement with a social media company unless the social media company meets or agrees to meet the conditions described by Subsections (a) and (b).

Sec. 117.0003.  CONTACT INFORMATION FOR SOCIAL MEDIA COMPANIES. The Department of Public Safety, in collaboration with the attorney general, shall develop and maintain an Internet website containing the contact information for social media companies to be used by law enforcement to submit a request for information from a social media company.

Sec. 117.0004.  CIVIL PENALTIES. (a) Except as provided by Subsection (b) or (c), a social media company that violates this chapter is liable to this state for a civil penalty in an amount of not more than $1 million.

(b)  A court may award an amount of not more than $3 million if the court finds the social media company engaged in a pattern or practice of noncompliance with this chapter.

(c)  In lieu of awarding damages under Subsection (a) or (b), the court may order the forfeiture of any financial grants awarded to the social media company under an economic development agreement as a penalty.

(d)  The attorney general may bring an action in the name of the state to recover a penalty under this section.

(e)  A penalty collected under this section shall be deposited in the state treasury to the credit of the compensation to victims of crime fund established under Subchapter J, Chapter 56B, Code of Criminal Procedure, except a penalty collected under Subsection (c) shall be remitted to the governmental entity that awarded the grant.

SECTION 2.  The change in law made by this Act applies only to an economic development agreement entered into or renewed on or after the effective date of this Act.

SECTION 3.  This Act takes effect September 1, 2021.