

By: Cason

H.B. No. 3001

A BILL TO BE ENTITLED

AN ACT

relating to the censorship or disfavoring of political or religious speech by a social media website.

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

SECTION 1. This Act may be cited as the "Stop Social Media Censorship Act."

SECTION 2. The legislature finds that:

(1) this state has a compelling interest in holding certain social media websites to higher standards for having substantially created a digital public square; and

(2) this state has an interest in helping its residents enjoy their free exercise of rights in certain semi-public forums commonly used for religious and political speech.

SECTION 3. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 129B to read as follows:

CHAPTER 129B. SOCIAL MEDIA CENSORSHIP

Sec. 129B.001. DEFINITIONS. In this chapter:

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

(2) "Hate speech" means a phrase concerning content that an individual finds offensive based on the individual's moral code.

(3) "Obscene" means material that an average person,

1 applying contemporary community standards, would find, taken as a
2 whole, has a dominant theme that appeals to prurient interests.

3 (4) "Political speech" means speech relating to the
4 state, government, body politic, or public administration as it
5 relates to public policymaking. The term includes speech by the
6 government or a candidate for public office and any discussion of
7 social issues.

8 (5) "Religious speech" means speech relating to a set
9 of unproven answers, truth claims, faith-based assumptions, and
10 naked assertions that attempt to explain questions concerning how
11 the world was created, what constitutes right and wrong actions by
12 humans, and what happens after death.

13 (6) "Social media website" means an Internet website
14 or application that enables users to communicate with other users
15 by posting content, including information, comments, messages, and
16 images.

17 Sec. 129B.002. APPLICABILITY OF CHAPTER. This chapter
18 applies only to a social media website that:

- 19 (1) is open to the public;
20 (2) has more than 75 million subscribers; and
21 (3) from its inception, has not been specifically
22 affiliated with a religion or political party.

23 Sec. 129B.003. PRIVATE RIGHT OF ACTION. A social media
24 website user in this state who is 18 years of age or older may bring
25 a civil action against the owner or operator of a social media
26 website that purposefully:

- 27 (1) deletes or censors the user's political or

1 religious speech; or

2 (2) uses an algorithm to disfavor or censor the user's
3 political or religious speech.

4 Sec. 129B.004. REMEDIES. (a) A claimant who prevails in an
5 action under this chapter may recover:

6 (1) exemplary damages of \$75,000 per purposeful action
7 described by Section 129B.003, regardless of whether actual damages
8 are awarded or the proof required by Section 41.003 is met;

9 (2) actual damages;

10 (3) other forms of equitable relief;

11 (4) court costs; and

12 (5) reasonable attorney's fees.

13 (b) In addition to an award under Subsection (a)(1), a
14 claimant who prevails in an action under this chapter may recover
15 additional exemplary damages in accordance with Chapter 41.

16 Sec. 129B.005. MITIGATION OF DAMAGES. The defendant in an
17 action under this chapter may mitigate damages by restoring from
18 deletion or removing the censorship of the claimant's speech in a
19 reasonable amount of time.

20 Sec. 129B.006. PROHIBITED DEFENSE. The defendant in an
21 action under this chapter may not use the claimant's alleged hate
22 speech as a basis for a defense of the defendant's actions.

23 Sec. 129B.007. ATTORNEY GENERAL ACTION. The attorney
24 general may bring an action under this chapter against a social
25 media website on behalf of a social media website user who resides
26 in this state and whose political or religious speech has been
27 censored by the social media website.

1 Sec. 129B.008. EXEMPTIONS. This chapter does not apply to:

2 (1) a social media website that deletes or censors a
3 social media website user's speech or that uses an algorithm to
4 disfavor or censor speech that:

5 (A) calls for immediate acts of violence;

6 (B) is obscene or pornographic in nature;

7 (C) is the result of operational error;

8 (D) is ordered by a court;

9 (E) comes from an inauthentic source;

10 (F) involves false personation;

11 (G) entices criminal conduct; or

12 (H) involves a minor bullying another minor; or

13 (2) a social media website user censoring another
14 social media website user's speech.

15 SECTION 4. Chapter 129B, Civil Practice and Remedies Code,
16 as added by this Act, applies only to a cause of action that accrues
17 on or after the effective date of this Act.

18 SECTION 5. This Act takes effect September 1, 2021.