

A BILL TO BE ENTITLED

AN ACT

relating to removal of certain intimate visual material by a search engine operator of an Internet website; 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 113 to read as follows:

CHAPTER 113. REMOVAL OF CERTAIN INTIMATE VISUAL MATERIAL BY SEARCH ENGINE OPERATOR OF INTERNET WEBSITE

Sec. 113.001. DEFINITIONS. In this chapter:

(1) "Intimate parts," "sexual conduct," and "visual material" have the meanings assigned by Section 21.16, Penal Code.

(2) "Intimate visual material" means visual material depicting a person with the person's intimate parts exposed, engaged in sexual conduct, or otherwise in an intimate state.

(3) "Search engine operator" means an operator of an Internet website that functions primarily as a search engine.

Sec. 113.002. REMOVAL OF CERTAIN INTIMATE VISUAL MATERIAL.

(a) This section applies only to:

(1) intimate visual material that was:

(A) obtained by a person or created under circumstances in which the person depicted in the visual material had a reasonable expectation that the visual material would remain private; and

(B) posted on an Internet website or otherwise

1 made publicly available without the consent of the person depicted
2 in the visual material; and

3 (2) intimate visual material that was:

4 (A) created without the consent of the person
5 depicted in the visual material; and

6 (B) posted on an Internet website or otherwise
7 made publicly available.

8 (b) A search engine operator that has agreed to remove a
9 person's intimate visual material described by Subsection (a) from
10 the Internet website must monitor the website and use established
11 methods to automatically remove any subsequent instance of the
12 intimate visual material that has been reposted to the website.

13 Sec. 113.003. CIVIL PENALTY; INJUNCTION. (a) A search
14 engine operator that violates Section 113.002 is liable to this
15 state for a civil penalty in an amount not to exceed \$500 for each
16 day the search engine operator violates Section 113.002.

17 (b) The attorney general or an appropriate local
18 prosecuting attorney may bring an action to collect a civil penalty
19 imposed under this section.

20 (c) If the attorney general brings an action under
21 Subsection (b) and prevails, the civil penalty shall be deposited
22 in the state treasury to the credit of the general revenue fund. If
23 a local prosecuting attorney brings the action and prevails, the
24 civil penalty shall be deposited in the general fund of the
25 appropriate county.

26 (d) The attorney general may bring an action in the name of
27 this state to enjoin a violation of this chapter.

1 (e) The attorney general is entitled to recover reasonable
2 expenses incurred in bringing an action under this section,
3 including reasonable attorney's fees and court costs.

4 SECTION 2. Chapter 113, Business & Commerce Code, as added
5 by this Act, applies to any intimate visual material that a search
6 engine operator has agreed to remove from its Internet website,
7 regardless of whether the search engine operator agreed to the
8 removal of the intimate visual material before, on, or after the
9 effective date of this Act.

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