

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

1 economic development incentives authorized by state law, shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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