

BILL ANALYSIS

H.B. 3134
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been a number of school shootings across the nation and in Texas in recent years. The perpetrators in several of the shootings exhibited warning signs or threatening direct conversation over social media prior to the attacks. The shootings in Santa Fe and Uvalde, for instance, may have been prevented if social media platforms recognized and reported threatening behavior posted on the platforms to law enforcement. H.B. 3134 seeks to require social media platforms to implement an internal system to identify credible threats of violence posted by a user, to report those threats to law enforcement, and to remove the offending content.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3134 amends the Business & Commerce Code to require a social media platform to develop, operate, and maintain systems and procedures to identify or receive reports and notifications relating to a credible threat of violence that a user would be able to post, upload, transmit, share, or otherwise publish on the platform. The bill requires a social media platform that identifies in good faith or is notified about a credible threat of violence to notify the appropriate law enforcement authority and take the following additional actions:

- archive, record, or otherwise preserve the relevant content;
- remove the offending content from public access; and
- take any appropriate action against the user account in accordance with the platform's published acceptable use policy.

The bill defines "credible threat of violence" as a threat against a person, including a group of people or organization, or location that causes a reasonable person to fear death or bodily injury.

H.B. 3134 creates a Class A misdemeanor offense for a social media platform operator who violates the bill's provisions in their treatment of credible threats of violence. The bill enhances the penalty for the offense to a state jail felony if the conduct is committed intentionally or knowingly.

EFFECTIVE DATE

September 1, 2023.