88R9331 SHH-D

By:  Shaheen H.B. No. 3134

A BILL TO BE ENTITLED

AN ACT

relating to requiring social media platform operators to identify and notify law enforcement of credible threats of violence published on their platforms; creating a criminal offense.

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

SECTION 1.  Chapter 120, Business & Commerce Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. EMERGENCY DISCLOSURE OF CREDIBLE THREATS OF VIOLENCE TO LAW ENFORCEMENT AGENCIES

Sec. 120.071.  DEFINITION. In this subchapter, "credible threat of violence" means 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.

Sec. 120.072.  IDENTIFYING CREDIBLE THREATS OF VIOLENCE; DUTY TO NOTIFY LAW ENFORCEMENT. (a) A social media platform shall 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 social media platform.

(b)  A social media platform that identifies in good faith or is notified about a credible threat of violence under Subsection (a) shall:

(1)  notify the appropriate law enforcement authority;

(2)  archive, record, or otherwise preserve the relevant content;

(3)  remove the offending content from being publicly accessible; and

(4)  take any appropriate action against the user account in accordance with the social media platform's published acceptable use policy.

SECTION 2.  Subchapter D, Chapter 120, Business & Commerce Code, is amended by adding Section 120.152 to read as follows:

Sec. 120.152.  CRIMINAL PENALTY FOR FAILING TO NOTIFY LAW ENFORCEMENT OF CERTAIN CREDIBLE THREATS. (a) A social media platform operator commits an offense if the social media platform operator violates Section 120.072.

(b)  An offense under this section is a Class A misdemeanor except that the offense is a state jail felony if the conduct is committed intentionally or knowingly.

SECTION 3.  This Act takes effect September 1, 2023.