

A BILL TO BE ENTITLED

AN ACT

relating to the duties of social media companies regarding prostitution and trafficking of persons; creating a criminal offense.

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

SECTION 1. Title 99, Business & Commerce Code, is amended by adding Chapter 2005 to read as follows:

CHAPTER 2005. DUTIES OF SOCIAL MEDIA COMPANY REGARDING PROSTITUTION AND TRAFFICKING OF PERSONS

Sec. 2005.001. DEFINITIONS. In this chapter:

(1) "Social media company" means a business entity that provides or operates a social media website.

(2) "Social media website" means an interactive Internet website or application that enables multiple users to communicate with other users by posting, creating, sharing, or viewing content, including instant messages, blogs, information, comments, videos, and images. The term includes Facebook, Instagram, and Twitter.

Sec. 2005.002. PROSTITUTION AND TRAFFICKING OF PERSONS ON SOCIAL MEDIA WEBSITES. (a) A social media company may not allow a person to use the company's social media website for engaging in conduct that constitutes an offense under Chapter 20A, Penal Code, or Subchapter A, Chapter 43, Penal Code.

(b) A social media company that discovers a person is using

1 the company's social media website to engage in conduct described
2 by Subsection (a) shall:

3 (1) preserve the offending content;

4 (2) notify the appropriate law enforcement authority;

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

7 (4) either:

8 (A) suspend the account to which the content was
9 posted; or

10 (B) issue a warning to the account holder that
11 posted the content.

12 (c) A social media company commits an offense if the company
13 violates this section. An offense under this subsection is a Class
14 A misdemeanor except that the offense is a state jail felony if the
15 conduct is committed intentionally or knowingly.

16 SECTION 2. This Act takes effect September 1, 2023.