

By: Blanco

S.B. No. 2255

A BILL TO BE ENTITLED

AN ACT

relating to cooperation between social media companies and law enforcement agencies; imposing a civil penalty.

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

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

SUBCHAPTER C-1. COOPERATION WITH LAW ENFORCEMENT

Sec. 120.121. DEFINITIONS. In this subchapter:

(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 incentives 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 social media platform.

Sec. 120.122. SOCIAL MEDIA COMPANY COOPERATION WITH LAW ENFORCEMENT AGENCIES. (a) A social media company, as a condition of being eligible for economic development incentives authorized by state law, shall:

(1) promptly comply with a law enforcement agency's

1 requests relating to imminent threats to public and personal
2 safety;

3 (2) promptly report credible threats to a law
4 enforcement agency; and

5 (3) collaborate with law enforcement agencies to
6 identify and prevent violence, including by:

7 (A) designating one or more employees of the
8 company to work with law enforcement personnel; and

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

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

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

21 Sec. 120.123. CONTACT INFORMATION FOR SOCIAL MEDIA
22 COMPANIES. The Department of Public Safety, in collaboration with
23 the attorney general, shall develop and maintain an Internet
24 website containing the contact information for social media
25 companies to be used by law enforcement personnel to submit a
26 request for information from a social media company.

27 SECTION 2. Subchapter D, Chapter 120, Business & Commerce

1 Code, is amended by adding Section 120.152 to read as follows:

2 Sec. 120.152. CIVIL PENALTIES. (a) Except as provided by
3 Subsection (b) or (c), a social media company that violates
4 Subchapter C-1 is liable to this state for a civil penalty in an
5 amount of not more than \$1 million.

6 (b) A court may award an amount of not more than \$3 million
7 if the court finds the social media company engaged in a pattern or
8 practice of noncompliance with Subchapter C-1.

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

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

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

21 SECTION 3. The change in law made by this Act applies only
22 to an economic development agreement entered into or renewed on or
23 after the effective date of this Act.

24 SECTION 4. This Act takes effect September 1, 2023.