

FIRST REGULAR SESSION

HOUSE BILL NO. 932

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BILLINGTON.

1964H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil liability for censorship.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.108, to read as follows:

537.108. 1. As used in this section, the following terms mean:

(1) "Interactive computer service", any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions;

(2) "Social media site", a website through which users are able to share and generate content and find and connect with other users of common interests.

2. If an interactive computer service provider restricts, censors, or suppresses content that is protected by the Free Speech Clause of Amendment I of the Constitution of the United States, the interactive computer service provider shall be liable in a civil action for damages to the person whose content is restricted, censored, or suppressed and to any person who reasonably otherwise would have received the content. This section only applies if the interactive computer service provider:

(1) Is immune from civil liability under federal law or under subsection 6 of this section;

(2) Is not considered a publisher;

(3) Has over one million users; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(4) Is a provider of a social media site.**

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20 **"Immune from civil liability" means an action by an interactive computer service provider**
21 **either was taken voluntarily in good faith to restrict access to or availability of content that**
22 **is protected by the Free Speech Clause of Amendment I of the Constitution of the United**
23 **States or was taken to enable or make available to content providers or others the technical**
24 **means to restrict access to content that is protected by the Free Speech Clause of**
25 **Amendment I of the Constitution of the United States.**

26 **3. A person whose content is restricted, censored, or suppressed under this section,**
27 **or a person who reasonably otherwise would have received the content, is entitled to civil**
28 **damages, including treble damages for compensatory, consequential, and incidental**
29 **damages. The court may also award punitive damages.**

30 **4. An action for civil damages under this section may be brought in the circuit court**
31 **in the county where the person whose content was restricted, censored, or suppressed, or**
32 **the person who reasonably would have otherwise received the content, resides.**

33 **5. The circuit court shall award attorney's fees to a prevailing plaintiff.**

34 **6. An interactive computer service provider may state affirmatively in the**
35 **provider's terms of service that the provider is a publisher. If the term is agreed to by the**
36 **person whose content is restricted, censored, or suppressed and by any person who**
37 **reasonably would have otherwise received the content, the interactive computer service**
38 **provider shall not be liable under this section.**

39 **7. Notwithstanding subsection 2 of this section, an interactive computer service**
40 **provider may limit content to subject matter expressly stated in the provider's terms of**
41 **service.**

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