

FIRST REGULAR SESSION

HOUSE BILL NO. 1231

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAILEY.

2451H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to a cause of action against a social media website 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 537.107, to read as follows:

537.107. 1. This section shall be known and may be cited as the "Stop Social Media Censorship Act".

2. For purposes of this section, the following terms mean:

(1) "Hate speech", a phrase concerning content that offends an individual's personal moral code;

(2) "Obscene", any material or performance, if taken as a whole, that the average person applying contemporary community standards would find appeals to prurient interests;

(3) "Political speech", speech regarding the state, the government, the body politic, public administration, or policy-making of government as distinguished from the administration or law of the civil aspects of government. "Political speech" includes not only speech by government officials or bodies or candidates for office but also any discussion of social issues;

(4) "Religious speech", speech regarding a set of unproven answers, truth claims, faith-based assumptions, or naked assertions that attempt to explain greater philosophical questions such as creation of the universe, human purpose, and whether there is an afterlife;

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 **(5) "Social media website", a website or application that:**
19 **(a) Enables users to communicate with each other by posting certain information,**
20 **comments, messages, or images;**
21 **(b) Is open to the public;**
22 **(c) Has more than five million users; and**
23 **(d) Was not affiliated with a specific religious or political group at its inception.**
24 **3. The owner or operator of a social media website shall be subject to a private**
25 **right of action by a censored user who resides in this state if the social media website**
26 **intentionally censors the political speech or religious speech of the user or if the social**
27 **media website uses an algorithm to disfavor or censor the political speech or religious**
28 **speech of the user. In the action, the injured party may seek:**
29 **(1) A minimum of seventy-five thousand dollars in statutory damages;**
30 **(2) Actual damages;**
31 **(3) Punitive damages, if there are aggravating factors; and**
32 **(4) Other forms of equitable relief.**
33
34 **The prevailing party may seek costs and attorney's fees.**
35 **4. If the social media website removes the censorship or undoes the effects of the**
36 **algorithm within a reasonable time of the user appealing the censorship or disfavoring, the**
37 **removal of the censorship may mitigate damages.**
38 **5. Hate speech shall not be a justifiable basis or defense for a social media website**
39 **to censor users.**
40 **6. (1) A social media website that intentionally censors the political speech or**
41 **religious speech of a user who resides in this state or uses an algorithm to disfavor or**
42 **censure the political speech or religious speech of such a user shall be immune from**
43 **liability if:**
44 **(a) The speech called for an immediate act of violence;**
45 **(b) The speech was pornographic or obscene;**
46 **(c) The censorship was the result of operational error;**
47 **(d) The censorship was the result of a court order;**
48 **(e) The speech came from an inauthentic source;**
49 **(f) The speech involved false impersonation;**
50 **(g) The speech enticed criminal conduct;**
51 **(h) The speech involved minors bullying minors; or**
52 **(i) The censored user is under eighteen years of age.**

53 (2) A social media website shall not be held liable for users censoring another user's
54 speech.

55 7. The attorney general may bring a civil cause of action against a social media
56 website in a court of competent jurisdiction on behalf of users who reside in this state and
57 whose political speech or religious speech was censored or disfavored by the social media
58 website in violation of this section.

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