

HB 932 -- CIVIL LIABILITY FOR CENSORSHIP

SPONSOR: Billington

This bill specifies that if an interactive computer service provider restricts, censors, or suppresses content that is protected by the Free Speech Clause of Amendment I of the U.S. Constitution, the provider is liable in a civil action to the person's whose content was restricted, censored, or suppressed and to any person who would have reasonably received the content. A person whose content is restricted, censored, or suppressed or a person who reasonably would have received the content is entitled to civil damages as specified in the bill. The court may also award punitive damages. An action for civil damages may be brought in the civil court in which the person resides. The court must award attorney's fees to a prevailing plaintiff.

A provider may state affirmatively in its terms of service that the provider is a publisher. If the terms are agreed to by the person whose content is restricted, censored, or suppressed and by a person who would have received the content, the provider is not liable. The provisions of the bill only apply if the provider is immune from civil liability under federal law, is not considered a publisher, has over 1 million users, and is a provider of a social media site.