

2021 -- H 5990

LC002228

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE IN PARTICULAR
ACTIONS -- SOCIAL MEDIA CENSORSHIP PROTECTION ACT

Introduced By: Representatives Price, and Nardone

Date Introduced: February 26, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 10 of the General Laws entitled "COURTS AND CIVIL PROCEDURE
2 - PROCEDURE IN PARTICULAR ACTIONS" is hereby amended by adding thereto the following
3 chapter:

4 CHAPTER 21

5 SOCIAL MEDIA CENSORSHIP PROTECTION ACT

6 **10-21-1. Legislative findings.**

7 The state has a compelling interest to hold certain social media websites to higher standards
8 for having substantially created a digital public square. The state has an interest in helping its
9 citizens enjoy their free exercise rights in certain semi-public forums commonly used for religious
10 and political speech.

11 **10-21-2. Definitions.**

12 As used in this chapter:

13 (1) "Algorithm" means a set of instructions designed to perform a specific task;

14 (2) "Hate speech" means a phrase concerning content that an individual arbitrarily finds
15 offensive based on his or her personal moral code;

16 (3) "Obscene" means that to the average person, applying contemporary community
17 standards, the dominant theme of the material taken as a whole appeals to prurient interest;

18 (4)(i) "Political speech" means speech relating to:

1 (A) The state;

2 (B) The government;

3 (C) The body politic;

4 (D) Public administration; or

5 (E) Government policy making.

6 (ii) "Political speech" includes speech by the government or candidates for office and any
7 discussion of social issues.

8 (iii) "Political speech" does not include speech concerning the administration or the law of
9 or relating to the civil aspects of government;

10 (5) "Religious speech" means a set of unproven answers, truth claims, faith-based
11 assumptions, and naked assertions that attempt to explain the greater questions like how things
12 were created, what humans should or should not be doing, and what happens after death; and

13 (6) "Social media website" means a website or application that enables users to
14 communicate with each other by posting information, comments, messages, or images and:

15 (i) Is open to the public;

16 (ii) Has more than seventy-five million (75,000,000) subscribers; and

17 (iii) Has not been specifically affiliated with any one religion or political party from its
18 inception.

19 **10-21-3. Cause of action.**

20 The owner or operator of a social media website who contracts with users in this state is
21 subject to a private right of action by a social media website user if the social media website
22 purposefully:

23 (1) Deletes or censors a social media website user's religious speech or political speech; or

24 (2) Uses an algorithm to suppress political speech or religious speech.

25 **10-21-4. Damages.**

26 (a) Damages available to a social media website user under this section include without
27 limitation:

28 (1) A minimum of seventy-five thousand dollars (\$75,000) per purposeful deletion or
29 censoring of the social media website user's speech in statutory damages;

30 (2) Actual damages;

31 (3) Punitive damages if aggravating factors are present; and

32 (4) Other forms of equitable relief.

33 (b) The prevailing party in a cause of action under this section may be awarded costs and
34 reasonable attorneys' fees.

1 (c) A social media website that restores from deletion or removes the censoring of a social
2 media website user's speech in a reasonable amount of time may use that fact to mitigate any
3 damages.

4 (d) A social media website may not use the social media website's user's alleged hate speech
5 as a basis for justification or defense to the social media website's actions at trial.

6 **10-21-5. Exemptions.**

7 (a) A social media website is immune from liability under this chapter if it deletes or
8 censors a social media website user's speech or uses an algorithm to disfavor or censure speech
9 that:

10 (1) Calls for immediate acts of violence;

11 (2) Is obscene or pornographic in nature;

12 (3) Was the result of operational error;

13 (4) Was the result of a court order;

14 (5) Came from an inauthentic source or involved false impersonation;

15 (6) Enticed criminal conduct; or

16 (7) Involved minors bullying minors.

17 (b) A social media website is not liable under this chapter for a social media website user's
18 censoring of another social media website user's speech.

19 **10-21-6. Standing.**

20 (a) Only users who are over eighteen (18) years old have standing to enforce this chapter.

21 (b) The attorney general may also bring a civil cause of action under this chapter on behalf
22 of social media website users who reside in this state whose religious speech or political speech has
23 been censored by a social media website.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE IN PARTICULAR
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- 1 This act would prohibit certain social media companies from censoring users speech by
- 2 either removal of the user's speech or using algorithms to prevent the user's speech.
- 3 This act would take effect upon passage.

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