

Bill Summary
2nd Session of the 58th Legislature

Bill No.:	SB 1862
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Author:	Sen. Jett
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Bill Analysis

SB 1862 subjects owners of social media websites that contract with users in the state to private rights of action by its users for such sites that delete or censor a social media website user's political speech or religious speech or use an algorithm to suppress political speech or religious speech. Damages for such actions are capped at \$75,000.00 per instance of deletion, actual damages, punitive damages if aggravating factors are present, and other applicable forms of equitable relief. The measure provides that the prevailing party shall be entitled to attorney fees. The measure also provides that if a site restores the deleted post, the restoration may be used to mitigate damages. The measure prohibits any site from using a user's alleged hate speech as a defense at trial. Social media websites may delete posts if such posts encourage violence, encourage criminal activity, are the result of an operational error, are the result of a court order, come from an inauthentic source or involved false impersonation, bully minors, or infringe on copyright. A social media website shall not be liable under this section for a social media website user's censoring of the speech of another social media website user. The measure requires a person to be 18 years of age or older to have standing to bring an action. The measure authorizes the Attorney General to bring a civil cause of action on behalf of social media website users.

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