

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 383, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Standridge

Standridge-TEK-FS-Req#1934
3/3/2021 11:13 AM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 383

By: Standridge, Bullard and
Jett of the Senate

6 and

7 West (Kevin) and McDugle of
8 the House

9
10 FLOOR SUBSTITUTE

11 An Act relating to censorship of social media;
12 defining terms; creating cause of action for deletion
13 or censorship of certain speech; authorizing certain
14 damages; authorizing award of certain costs and fees;
15 prohibiting certain defense; establishing immunity
16 from liability for certain actions; clarifying
17 persons with standing for certain action; authorizing
18 Attorney General to bring certain action; providing
19 for codification; and providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1450.1 of Title 12, unless there
23 is created a duplication in numbering, reads as follows:

24 A. As used in this section:

1. "Algorithm" means a set of instructions designed to perform
a specific task;

1 2. "Hate speech" means a phrase concerning content that an
2 individual arbitrarily finds offensive based on his or her personal
3 moral code;

4 3. "Obscene" means that to the average person, applying
5 contemporary community standards, the dominant theme of the material
6 taken as a whole appeals to prurient interest;

7 4. "Political speech" means speech relating to the state, the
8 government, the body politic, public administration or government
9 policymaking. Political speech includes speech by the government or
10 candidates for office and any discussion of social issues.
11 Political speech does not include speech concerning the
12 administration or the law of or relating to the civil aspects of
13 government;

14 5. "Religious speech" means a set of unproven answers, truth
15 claims, faith-based assumptions and naked assertions that attempt to
16 explain the greater questions like how things were created, what
17 humans should or should not be doing and what happens after death;
18 and

19 6. "Social media website" means a website or application that
20 allows a user to construct a public or semi-public profile and
21 enables users to communicate with each other for the primary purpose
22 of posting information, comments, messages or images and:

23 a. is open to the public,
24

1 b. has more than seventy-five million (75,000,000)
2 subscribers, and

3 c. has not been specifically affiliated with any one
4 political party or religion from its inception.

5 "Social media website" shall not include electronic mail or any
6 online service, application or website consisting primarily of news,
7 sports, entertainment or other information or content that is not
8 user-generated but is preselected or curated by the provider and for
9 which any chat, comment or interactive functionality is incidental
10 to, directly related to or dependent on the provision of such
11 content.

12 B. The owner or operator of a social media website who
13 contracts with users in this state is subject to a private right of
14 action by a social media website user if the social media website
15 purposely:

16 1. Deletes or censors a social media website user's political
17 speech or religious speech; or

18 2. Uses an algorithm to suppress political speech or religious
19 speech.

20 C. 1. Damages available to a social media website user under
21 this section shall include:

22 a. damages in an amount not to exceed Seventy-five
23 Thousand Dollars (\$75,000.00) per intentional deletion
24

1 or censoring of the social media website user's
2 speech,

3 b. actual damages,

4 c. punitive damages if aggravating factors are present,
5 and

6 d. other applicable forms of equitable relief.

7 2. The prevailing party in a cause of action under this section
8 may be awarded costs and reasonable attorney fees.

9 3. A social media website that restores from deletion or
10 removes the censoring of a social media website user's speech in a
11 reasonable amount of time may use such fact to mitigate any damages.

12 D. A social media website may not use the social media website
13 user's alleged hate speech as a basis for justification or defense
14 to the action against the social media website at trial.

15 E. 1. A social media website shall be immune from liability
16 under this section if it deletes or censors a social media website
17 user's speech or uses an algorithm to disfavor or censure speech
18 that:

19 a. calls for immediate acts of violence,

20 b. is obscene or pornographic in nature,

21 c. is the result of operational error,

22 d. is the result of a court order,

23 e. comes from an inauthentic source or involved false
24 impersonation,

- 1 f. entices criminal conduct,
- 2 g. involves the bullying of minors, or
- 3 h. violates or misappropriates copyright, trademark or
- 4 other intellectual property.

5 2. A social media website shall not be liable under this
6 section for a social media website user's censoring of the speech of
7 another social media website user.

8 F. Only users who are eighteen (18) years of age or older shall
9 have standing to bring an action pursuant to this section.

10 G. The Attorney General may bring a civil cause of action under
11 this section on behalf of social media website users who reside in
12 this state whose political speech or religious speech has been
13 censored by a social media website.

14 SECTION 2. This act shall become effective November 1, 2021.

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16 58-1-1934 TEK 3/3/2021 11:13:59 AM
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