
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Elizabeth O'Quin.

DIGEST

SB 196 Original

2021 Regular Session

Morris

Proposed law enacts the "Stop Social Media Censorship Act".

Proposed law defines the following terms:

- (1) An "algorithm" means a set of instructions designed to perform specific tasks.
- (2) "Hate speech" means a phrase that has content that an individual would have found offensive based on his moral code.
- (3) "Obscene" means that an average person who applied contemporary community standards, would find the dominant theme of the material appealed to prurient interests.
- (4) "Political speech" means speech related to state, government, body politic, or public administration as it relates to governmental policymaking. Provides the term includes speech by the government or candidates for office and any discussion of social issues. Provides the term does not include speech that concerns the administration, law, or civil aspects of government.
- (5) "Religious speech" means a set of unproven answers, truth claims, faith-based assumptions, and naked assertions that attempt to explain the greater questions on how the world was created, what constitutes right and wrong actions by humans, and what happens after death.
- (6) "Social media website" means an internet website or application that enables a user to communicate with others by posting information, comments, messages, or images that were open to the public, has more than seventy-five million subscribers, and from its inception, was not specifically affiliated with any one religion or political party.
- (7) "User" means a resident of this state who is a natural person eighteen years of age or older.

Proposed law provides the owner or operator of the social media website who had a contract with a social media website user in this state, shall have a private right of action against the social media website, if it knowingly deleted or censored the user's rights of religious speech or political speech, or used an algorithm that disfavored or censored a user's religious or political speech.

Proposed law provides a social media website user may be awarded actual damages, plus up to \$75,000 in statutory damages, punitive damages if aggravating factors are shown, and injunctive and other forms of equitable relief.

Proposed law provides the prevailing party in a cause of action may be awarded court costs and reasonable attorney fees.

Proposed law provides a social media website that restores the deleted or removed speech within a reasonable amount of time may use that fact to mitigate any damages.

Proposed law provides a social media website cannot use the social media website's user's alleged hate speech as the basis for the justification or defense of the social media website's actions at trial.

Proposed law provides the attorney general may bring a civil cause of action on behalf of a social media website user who resides in this state and their religious speech or political speech was censored by a social media website.

Proposed law provides the social media user does not have a civil cause of action if the social media website deleted or censored a social media website user's speech, or used an algorithm that disfavored or censored speech that called for immediate acts of violence, was obscene or pornographic in nature, was the result of an operational error, was the result of a court order, was from an inauthentic source, or involved false impersonation, enticed criminal conduct, or involved the bullying of minors, or the social media website user censored another social media website user's speech.

Proposed law provides the state has a compelling interest in holding certain social media websites to a higher standard when they have substantially created a digital public square. Provides the state has an interest in helping its citizens enjoy their free exercise rights in certain forums commonly used for religious and political speech.

Proposed law provides the state has a compelling interest in holding certain social media websites to a higher standard that substantially created a digital public square.

Proposed law provides the state has an interest in protecting and assisting residents in their rights of religious and political speech.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 45:1701-1704)