



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4145

Introduced 10/19/2021, by Rep. Chris Miller

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Stop Social Media Censorship Act. Provides that the owner or operator of a social media website that censors or deletes a user's religious or political speech is subject to a private right of action by certain social media website users in this State. Authorizes the recovery of actual damages, statutory damages, and punitive damages. Provides for the award of reasonable attorney's fees and costs. Prohibits a social media website from using alleged hate speech as a defense. Authorizes the Attorney General to bring an action on behalf of social media website users. Defines terms. Effective July 1, 2021.

LRB102 17529 JLS 23137 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Stop  
5 Social Media Censorship Act.

6 Section 5. Definitions. In this Act:

7 "Algorithm" means a set of instructions designed to  
8 perform a specific task.

9 "Hate speech" means a phrase concerning content that an  
10 individual finds offensive based on his or her personal moral  
11 code.

12 "Obscene" means that an average person applying  
13 contemporary community standards would find that, taken as a  
14 whole, the dominant theme of the material appeals to prurient  
15 interests.

16 "Political speech" means speech relating to the State,  
17 government, body politic, or public administration as it  
18 relates to governmental policymaking. The term includes speech  
19 by the government or a candidate for office and any discussion  
20 of social issues. The term does not include speech concerning  
21 the administration, law, or civil aspects of government.

22 "Religious speech" means a set of unproven answers, truth  
23 claims, faith-based assumptions, and naked assertions that

1 attempt to explain such greater questions as how the world was  
2 created, what constitutes right and wrong actions by humans,  
3 and what happens after death.

4 "Social media website" means an Internet website or  
5 application that enables users to communicate with each other  
6 by posting information, comments, messages, or images and that  
7 meets all of the following requirements:

8 (1) Is open to the public.

9 (2) Has more than 75,000,000 subscribers.

10 (3) From its inception, has not been specifically  
11 affiliated with any one religion or political party.

12 Section 10. Social media censorship; private right of  
13 action; damages.

14 (a) The owner or operator of a social media website that  
15 contracts with a social media website user in this State is  
16 subject to a private right of action by such user if the social  
17 media website purposely:

18 (1) deletes or censors the user's religious speech or  
19 political speech; or

20 (2) uses an algorithm to disfavor or censor the user's  
21 religious speech or political speech.

22 (b) A social media website user may be awarded all of the  
23 following damages under this Act:

24 (1) A minimum of \$75,000 in statutory damages per  
25 purposeful deletion or censorship of the social media

1 website user's speech.

2 (2) Actual damages.

3 (3) If aggravating factors are present, punitive  
4 damages.

5 (4) Other forms of equitable relief.

6 (c) The prevailing party in an action under this Act may be  
7 awarded costs and reasonable attorney's fees.

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

12 (e) A social media website may not use the social media  
13 website user's alleged hate speech as a basis for  
14 justification or defense of the social media website's actions  
15 at trial.

16 (f) Only users who are 18 years of age or older have  
17 standing to seek enforcement of this Act.

18 Section 15. Action by Attorney General. The Attorney  
19 General may bring a civil action under this Act on behalf of a  
20 social media website user who resides in this State and whose  
21 religious speech or political speech has been censored by a  
22 social media website.

23 Section 20. Inapplicability of Act.

24 (a) This Act does not apply to a social media website that

1 deletes or censors a social media website user's speech or  
2 that uses an algorithm to disfavor or censor speech that:

- 3 (1) calls for immediate acts of violence;
- 4 (2) is obscene or pornographic in nature;
- 5 (3) is the result of operational error;
- 6 (4) is the result of a court order;
- 7 (5) comes from an inauthentic source or involves false  
8 personation;
- 9 (6) entices criminal conduct; or
- 10 (7) involves minors bullying minors.

11 (b) This Act does not apply to a social media website  
12 user's censoring of another social media website user's  
13 speech.

14 Section 99. Effective date. This Act takes effect July 1,  
15 2021.