

HB3841



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3841

Introduced 2/17/2023, by Rep. Brad Halbrook

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, 2023.

LRB103 30321 SPS 56749 b

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. "Political speech"
19 includes speech by the government or a candidate for office
20 and any discussion of social issues. "Political speech" does
21 not include speech concerning the administration, law, or
22 civil aspects of government.

23 "Religious speech" means a set of unproven answers, truth

1 claims, faith-based assumptions, and naked assertions that
2 attempt to explain such greater questions as how the world was
3 created, what constitutes right and wrong actions by humans,
4 and what happens after death.

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

9 (1) is open to the public;

10 (2) has more than 75,000,000 subscribers; and

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

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

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

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

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

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

25 (1) a minimum of \$75,000 in statutory damages per

1 purposeful deletion or censorship of the social media
2 website user's speech;

3 (2) actual damages;

4 (3) if aggravating factors are present, punitive
5 damages; and

6 (4) other forms of equitable relief.

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

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

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

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

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

24 Section 20. Inapplicability of Act.

1 (a) This Act does not apply to a social media website that
2 deletes or censors a social media website user's speech or
3 that uses an algorithm to disfavor or censor speech that:

4 (1) calls for immediate acts of violence;

5 (2) is obscene or pornographic in nature;

6 (3) is the result of operational error;

7 (4) is the result of a court order;

8 (5) comes from an inauthentic source or involves false
9 personation;

10 (6) entices criminal conduct; or

11 (7) involves minors bullying minors.

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

15 Section 99. Effective date. This Act takes effect July 1,
16 2023.