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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE IN PARTICULAR
ACTIONS -- SOCIAL MEDIA CENSORSHIP PROTECTION ACT

Introduced By: Representatives Vella-Wilkinson, Perez, McNamara, Williams, and
Azzinaro

Date Introduced: February 12, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 10 of the General Laws entitled "COURTS AND CIVIL PROCEDURE
2 - PROCEDURE IN PARTICULAR ACTIONS" is hereby amended by adding thereto the following
3 chapter:

4 CHAPTER 21

5 SOCIAL MEDIA CENSORSHIP PROTECTION ACT

6 **10-21-1. Legislative Findings.**

7 The state has a compelling interest to hold social media websites to higher standards for
8 having substantially created a digital public square. The state has an interest in helping its citizens
9 enjoy their free exercise of rights in certain semi-public forums commonly used for religious and
10 political speech.

11 **10-21-2. Definitions.**

12 As used in this chapter:

13 (1) "Algorithm" means a set of instructions designed to perform a specific task;

14 (2) "Hate speech" means a phrase concerning content that an individual arbitrarily finds
15 offensive based on his or her personal moral code;

16 (3) "Obscene" means that to the average person, applying contemporary community
17 standards, the dominant theme of the material taken as a whole appeals to prurient interest;

18 (4)(i) "Political speech" means speech relating to:

1 (A) The state;

2 (B) The government;

3 (C) The body politic;

4 (D) Public administration; or

5 (E) Government policy making.

6 (ii) "Political speech" includes speech by the government or candidates for office and any
7 discussion of social issues.

8 (iii) "Political speech" does not include speech concerning the administration or the law of
9 or relating to the civil aspects of government;

10 (5) "Religious speech" means a set of unproven answers, truth claims, faith-based
11 assumptions, and naked assertions that attempt to explain the greater questions like how things
12 were created, what humans should or should not be doing, and what happens after death; and

13 (6) "Social media website" means a website or application that enables users to
14 communicate with each other by posting information, comments, messages, or images and:

15 (i) Is open to the public;

16 (ii) Has more than seventy-five million (75,000,000) subscribers; and

17 (iii) Has not been specifically affiliated with any one religion or political party from its
18 inception.

19 **10-21-3. Prohibition and cause of action.**

20 (a) No social media website shall:

21 (1) Delete or censor a social media website user's religious speech or political
22 speech; or

23 (2) Use an algorithm to suppress political speech or religious speech.

24 (b) A social media user aggrieved by a wrongful violation of subsection (a) of this section,
25 may file a civil action in any court of competent jurisdiction to obtain relief. An aggrieved party
26 shall be entitled to recover damages pursuant to § 10-21-4.

27 (c) A social media website that restores from deletion or removes the censoring of a social
28 media website user's speech in a reasonable amount of time may use that fact to mitigate any
29 damages.

30 **10-21-4. Damages.**

31 (a) In a civil action brought by a social media website user for a violation of § 10-21-3, the
32 plaintiff social media website user may recover actual damages and injunctive or any other
33 appropriate relief. For a willful and malicious violation of § 10-21-3, the court may award punitive
34 damages. Whenever any person or entity is found to have violated § 10-21-3, they shall be liable

1 in damages in a sum of not less than seventy-five thousand dollars (\$75,000).

2 (b) The prevailing party in a cause of action under this chapter may be awarded costs and
3 reasonable attorneys' fees.

4 (c) A social media website may not use the social media website's user's alleged hate speech
5 as a basis for justification or defense to the social media website's actions at trial.

6 **10-21-5. Exemptions.**

7 (a) A social media website is immune from liability under this chapter if it deletes or
8 censors a social media website user's speech or uses an algorithm to disfavor or censure speech
9 that:

10 (1) Calls for immediate acts of violence;

11 (2) Is obscene or pornographic in nature;

12 (3) Was the result of operational error;

13 (4) Was the result of a court order;

14 (5) Came from an inauthentic source or involved false impersonation;

15 (6) Enticed criminal conduct; or

16 (7) Involved minors bullying minors.

17 (b) A social media website is not liable under this chapter for a social media website user's
18 censoring of another social media website user's speech.

19 **10-21-6. Standing.**

20 (a) Only users who are over eighteen (18) years old have standing to enforce this chapter.

21 (b) The attorney general may also bring a civil cause of action under this chapter on behalf
22 of social media website users who reside in this state whose religious speech or political speech has
23 been censored by a social media website.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE IN PARTICULAR
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- 1 This act would prohibit certain social media companies from censoring users speech by
- 2 either removal of the user's speech or using algorithms to prevent the user's speech.
- 3 This act would take effect upon passage.

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