

**HOUSE BILL NO. 1144**

Introduced by

Representatives Kading, Bellew, Jones, B. Koppelman, Schatz, Toman

1 A BILL for an Act to permit civil actions against social media sites for censoring speech.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1.**

4 **Social media site censorship - Civil action.**

5 1. As used in this section:

6 a. "Interactive computer service" means any information service, system, or access  
7 software provider that provides or enables computer access by multiple users to  
8 a computer server, including specifically a service or system that provides access  
9 to the internet and such systems operated or services offered by libraries or  
10 educational institutions.

11 b. "Social media site" means a website through which users are able to share and  
12 generate content and find and connect with other users of common interests.

13 2. If an interactive computer service provider restricts, censors, or suppresses  
14 information that does not pertain to obscene, lewd, lascivious, filthy, excessively  
15 violent, harassing, or otherwise objectionable subject matter, the interactive computer  
16 service provider is liable in a civil action for damages to the person whose speech is  
17 restricted, censored, or suppressed, and to any person who reasonably otherwise  
18 would have received the writing, speech, or publication. This section only applies if the  
19 interactive computer service provider:

20 a. Is immune from civil liability under federal law;

21 b. Is not considered a publisher;

22 c. Has over one million users; and

23 d. Is a provider of a social media site.

- 1       3. A person whose writing, speech, or publication is restricted, censored, or suppressed  
2       under this section, or a person that reasonably otherwise would have received the  
3       writing, speech, or publication, is entitled to civil damages including treble damages for  
4       compensatory, consequential, and incidental damages. The court also may award  
5       punitive damages.
- 6       4. An action for civil damages under this section may be brought in the district court in  
7       the county where the person being infringed, censored, or suppressed, or the person  
8       who reasonably would have otherwise received the writing, speech, or publication,  
9       resides.
- 10      5. The district court shall award attorney's fees to a prevailing plaintiff.
- 11      6. Immune from civil liability in subsection 2 means an action by an interactive computer  
12      service provider:
- 13      a. Taken voluntarily in good faith to restrict access to or availability of material that  
14      the provider or user considers to be obscene, lewd, lascivious, filthy, excessively  
15      violent, harassing, or otherwise objectionable, regardless whether the material is  
16      constitutionally protected; or
- 17      b. Taken to enable or make available to information content providers or others the  
18      technical means to restrict access to material described in subdivision a.
- 19      7. An interactive computer service provider may state affirmatively in the provider's terms  
20      of service that the provider is a publisher. If the statement is agreed upon by the  
21      person that is restricted, censored, or suppressed, and any person who reasonably  
22      would have otherwise received the writing, speech, or publication, subsection 2 does  
23      not apply.
- 24      8. Notwithstanding subsection 2, an interactive computer service provider may limit  
25      content to subject matter expressly stated in the provider's terms of service.