

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 533

By: Silk

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5  
6 AS INTRODUCED

7 An Act relating to censorship of social media;  
8 defining terms; creating cause of action for deletion  
9 or censorship of certain speech; authorizing certain  
10 damages; authorizing award of certain costs and fees;  
11 prohibiting certain defense; establishing immunity  
12 from liability for certain actions; clarifying  
13 persons with standing for certain action; authorizing  
14 Attorney General to bring certain action; providing  
15 for codification; and providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1450.1 of Title 12, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. As used in this section:

21 1. "Algorithm" means a set of instructions designed to perform  
22 a specific task;

23 2. "Hate speech" means a phrase concerning content that an  
24 individual arbitrarily finds offensive based on his or her personal  
25 moral code;

1           3. "Obscene" means that to the average person, applying  
2 contemporary community standards, the dominant theme of the material  
3 taken as a whole appeals to prurient interest;

4           4. "Political speech" means speech relating to the state, the  
5 government, the body politic, public administration or government  
6 policy-making. Political speech includes speech by the government  
7 or candidates for office and any discussion of social issues.  
8 Political speech does not include speech concerning the  
9 administration or the law of or relating to the civil aspects of  
10 government;

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

16           6. "Social media website" means a website or application that  
17 enables users to communicate with each other by posting information,  
18 comments, messages or images and:

- 19           a. is open to the public,
- 20           b. has more than seventy-five million (75,000,000)  
21           subscribers, and
- 22           c. has not been specifically affiliated with any one  
23           political party or religion from its inception.

1 B. The owner or operator of a social media website who  
2 contracts with users in this state is subject to a private right of  
3 action by a social media website user if the social media website  
4 purposely:

5 1. Deletes or censors a social media website user's political  
6 speech or religious speech; or

7 2. Uses an algorithm to suppress political speech or religious  
8 speech.

9 C. 1. Damages available to a social media website user under  
10 this section shall include:

11 a. a minimum of Seventy Five Thousand Dollars

12 (\$75,000.00) per intentional deletion or censoring of  
13 the social media website user's speech,

14 b. actual damages,

15 c. punitive damages if aggravating factors are present,

16 and

17 d. other applicable forms of equitable relief.

18 2. The prevailing party in a cause of action under this section  
19 may be awarded costs and reasonable attorney fees.

20 3. A social media website that restores from deletion or  
21 removes the censoring of a social media website user's speech in a  
22 reasonable amount of time may use such fact to mitigate any damages.  
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1 D. A social media website may not use the social media website  
2 user's alleged hate speech as a basis for justification or defense  
3 to the action against the social media website at trial.

4 E. 1. A social media website shall be immune from liability  
5 under this section if it deletes or censors a social media website  
6 user's speech or uses an algorithm to disfavor or censure speech  
7 that:

- 8 a. calls for immediate acts of violence,
- 9 b. is obscene or pornographic in nature,;
- 10 c. was the result of operational error,
- 11 d. was the result of a court order,
- 12 e. came from an inauthentic source or involved false  
13 impersonation,
- 14 f. enticed criminal conduct, or
- 15 g. involved minors bullying minors.

16 2. A social media website shall not be liable under this  
17 section for a social media website user's censoring of another  
18 social media website user's speech.

19 F. Only users who are eighteen (18) years of age or older shall  
20 have standing to bring an action pursuant to this section.

21 G. The Attorney General may bring a civil cause of action under  
22 this section on behalf of social media website users who reside in  
23 this state whose political speech or religious speech has been  
24 censored by a social media website.

1 SECTION 2. This act shall become effective November 1, 2019.

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