

SENATE BILL NO. 207

INTRODUCED BY D. EMRICH, G. LAMMERS, S. VINTON, J. TREBAS, B. BEARD

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE BANNING OF USERS FROM DIGITAL PUBLIC SQUARES; PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS; AND PROVIDING PENALTIES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Digital public squares -- prohibition against banning access --

definitions. (1) A business or entity providing a digital public square may not limit or abridge an individual user's right to assemble or exercise freedom of speech in a digital public square through digital prohibition, as defined in this section, unless in violation of state or federal laws.

(2) A business or entity providing a digital public square may not censor user-created content through any means, including prohibiting other users from viewing user-created content.

(3) A business or entity may not create community standards, contracts, or terms and conditions that violate subsection (2) or (3).

(4) A business or entity in violation of subsection (2), (3), or (4) may be liable for actual and punitive damages in an action brought by a user of a digital public square.

(5) A business or entity is not in violation of subsection (2) if it offers advertisements to users of a digital public square.

(6) A digital public square may be terminated by the business or entity providing the digital public square.

(7) For the purposes of this section, the following definitions apply:

(a) "Deplatforming" means removing a user of a digital public square without the request of the user.

(b) "Digital prohibition" means banning, deplatforming, or censoring a user of a digital public square through any means, including but not limited to the use of shadow banning, algorithms, monitoring,

1 intimidation, defamation, and throttling.

2 (c) "Digital public square" means an online public platform provided free of charge to some or all
3 users.

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5 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
6 integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [section 1].

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