

By: Representatives Banks, Brown (70th),
Foster

To: Judiciary A

HOUSE BILL NO. 1382

1 AN ACT TO REQUIRE A COURT OF ORIGINAL JURISDICTION TO ISSUE
 2 AN INJUNCTION WHEN A PLAINTIFF DEMONSTRATES THE VIOLATION OF A
 3 SOCIAL MEDIA COMPANY'S COMMUNITY STANDARDS OR POLICIES BY A
 4 DEFENDANT'S COMMUNICATIONS ON THE SOCIAL MEDIA COMPANY'S PLATFORM;
 5 TO AUTHORIZE THE COURT OF ORIGINAL JURISDICTION TO ENJOIN THE
 6 DEFENDANT, ANY SOCIAL MEDIA COMPANY THAT DISTRIBUTES, HOSTS OR
 7 DISSEMINATES THE DEFENDANT'S COMMUNICATION, OR ANY CORPORATE
 8 SPONSOR OF THE DEFENDANT; TO AUTHORIZE THE COURT OF ORIGINAL
 9 JURISDICTION TO CONSIDER FILING CRIMINAL CHARGES RELATED TO THE
 10 COMMUNICATIONS TO BE ENJOINED AS A FACTOR IN DETERMINING WHETHER
 11 THE DEFENDANT HAS VIOLATED A SOCIAL MEDIA COMPANY'S COMMUNITY
 12 STANDARDS OR POLICIES; TO PROVIDE THAT A CRIMINAL CONVICTION
 13 RELATED TO THE COMMUNICATIONS THAT ARE THE SUBJECT OF THE PETITION
 14 SHALL BE SUFFICIENT EVIDENCE TO MERIT THE ISSUANCE OF A PERMANENT
 15 INJUNCTION UNDER THIS SECTION; TO AMEND SECTION 97-45-15,
 16 MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "HARASS"; AND FOR
 17 RELATED PURPOSES.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

19 **SECTION 1.** (1) In accordance with the procedure established
 20 in the Mississippi Rules of Civil Procedure, a court of original
 21 jurisdiction shall issue an injunction when a plaintiff
 22 demonstrates, by a preponderance of the evidence, the violation of
 23 a social media company's community standards or policies by the
 24 defendant's communications on the social media company's platform.



25 (2) In its discretion, the court shall determine the scope
26 and duration of the injunction necessary and may issue it against
27 any combination of the following:

28 (a) The defendant who made the communication;

29 (b) Any social media company that distributes, hosts or
30 disseminates a defendant's communications; or

31 (c) Any corporate sponsor of the defendant or the
32 defendant's communications, if the court makes a finding that
33 enjoining the corporate sponsor would be in the interest of
34 justice.

35 (3) A court may consider filing criminal charges against the
36 defendant under Section 97-45-15 related to the communication to
37 be enjoined as a factor in determining whether the defendant's
38 communications violated a social media company's community
39 standards or policies.

40 (4) A criminal conviction against the defendant under
41 Section 97-45-15 related to the communication to be enjoined shall
42 be sufficient evidence to merit the issuance of a permanent
43 injunction under this section as to the communications that
44 provided the basis for the conviction.

45 (5) The Supreme Court's Rules Committee on Civil Practice
46 and Procedure is encouraged to develop and issue a uniform form to
47 implement this section.

48 **SECTION 2.** Section 97-45-15, Mississippi Code of 1972, is
49 amended as follows:



50 97-45-15. (1) It is unlawful for a person to:

51 (a) Use in electronic mail or electronic communication
52 any words or language threatening to inflict bodily harm to any
53 person or to that person's child, sibling, spouse or dependent, or
54 physical injury to the property of any person, or for the purpose
55 of extorting money or other things of value from any person.

56 (b) Electronically mail or electronically communicate
57 to another repeatedly, whether or not conversation ensues, * * *
58 with the intent to threaten, terrify or harass any person.

59 (c) Electronically mail or electronically communicate
60 to another and to knowingly make any false statement concerning
61 death, injury, illness, disfigurement, indecent conduct, or
62 criminal conduct of the person electronically mailed or of any
63 member of the person's family or household with the intent to
64 threaten, terrify or harass.

65 (d) Knowingly permit an electronic communication device
66 under the person's control to be used for any purpose prohibited
67 by this section.

68 (2) Whoever commits the offense of cyberstalking shall be
69 punished, upon conviction:

70 (a) Except as provided herein, the person is guilty of
71 a felony punishable by imprisonment for not more than two (2)
72 years or a fine of not more than Five Thousand Dollars
73 (\$5,000.00), or both.



74 (b) If any of the following apply, the person is guilty
75 of a felony punishable by imprisonment for not more than five (5)
76 years or a fine of not more than Ten Thousand Dollars
77 (\$10,000.00), or both:

78 (i) The offense is in violation of a restraining
79 order and the person has received actual notice of that
80 restraining order or posting the message is in violation of an
81 injunction or preliminary injunction * * *;

82 (ii) The offense is in violation of a condition of
83 probation, a condition of parole, a condition of pretrial release
84 or a condition of release on bond pending appeal * * *;

85 (iii) The offense results in a credible threat
86 being communicated to the victim, a member of the victim's family,
87 or another individual living in the same household as the
88 victim * * *; or

89 (iv) The person has been previously convicted of
90 violating this section or a substantially similar law of another
91 state, a political subdivision of another state, or of the United
92 States.

93 (3) For the purposes of this section, the word "harass"
94 means a knowing and willful course of conduct directed at a
95 specific person that a reasonable person would consider as
96 seriously alarming, seriously annoying, seriously tormenting, or
97 seriously terrorizing the person and that serves no legitimate
98 purpose.



99 (* * *4) This section does not apply to any peaceable,
100 nonviolent, or nonthreatening activity intended to express
101 political views or to provide lawful information to others. This
102 section shall not be construed to impair any constitutionally
103 protected activity, including speech, protest or assembly.

104 **SECTION 3.** This act shall take effect and be in force from
105 and after July 1, 2023.

