

By: Senator(s) Norwood, Hickman, Brumfield,
Butler

To: Judiciary, Division A;
Judiciary, Division B

SENATE BILL NO. 2378

1 AN ACT TO REQUIRE A COURT OF ORIGINAL JURISDICTION TO ISSUE
2 AN INJUNCTION WHERE 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 THE FILING OF CRIMINAL CHARGES RELATED TO
10 THE COMMUNICATIONS TO BE ENJOINED AS A FACTOR IN DETERMINING
11 WHETHER THE DEFENDANT HAS VIOLATED A SOCIAL MEDIA COMPANY'S
12 COMMUNITY STANDARDS OR POLICIES; TO PROVIDE THAT A CRIMINAL
13 CONVICTION RELATED TO THE COMMUNICATIONS THAT ARE THE SUBJECT OF
14 THE PETITION SHALL BE SUFFICIENT EVIDENCE TO MERIT THE ISSUANCE OF
15 A PERMANENT INJUNCTION UNDER THIS SECTION; TO AMEND SECTION
16 97-45-15, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "HARASS";
17 AND FOR 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 the filing of criminal charges
36 against the defendant pursuant to Section 97-45-15 related to the
37 communication to be enjoined as a factor in determining whether
38 the defendant's communications violated a social media company's
39 community standards or policies.

40 (4) A criminal conviction against the defendant pursuant to
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 victim.

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

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

97 (* * *4) This section does not apply to any peaceable,
98 nonviolent, or nonthreatening activity intended to express



99 political views or to provide lawful information to others. This
100 section shall not be construed to impair any constitutionally
101 protected activity, including speech, protest or assembly.

102 **SECTION 3.** This act shall take effect and be in force from
103 and after July 1, 2024.

