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HOUSE BILL NO. 1195

Offered January 17, 2022

A *BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 64, consisting of sections numbered 30-409 through 30-416, relating to Commission on Social Media; report.*

Patron—Gooditis

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 64, consisting of sections numbered 30-409 through 30-416, as follows:

CHAPTER 64.**COMMISSION ON SOCIAL MEDIA.****§ 30-409. Commission on Social Media; purpose.**

The Commission on Social Media (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to (i) examine impacts and harms to citizens caused by social media platforms hosting or amplifying content that includes threats or suggestions of physical violence or danger toward citizens, institutions, groups, associations, or physical structures of the Commonwealth, especially content that pertains to homicide, suicide, sexual assault, insurrection, or mass violence; threats to the advancement of public health; threats to the safety and integrity of elections; or threats to the safety of elected officials, by (a) studying the impact of dangerous and violent rhetoric, threats, harassment, doxing, intimidation, misinformation, disinformation, defamation, and deceptive practices and (b) studying the impact of certain practices by social media companies such as algorithmic amplification and targeted advertising; (ii) facilitate cooperation between researchers and social media companies, including sharing data and other resources especially to examine violent rhetoric online; and (iii) make legislative and policy recommendations to better protect citizens and institutions, groups, associations, and physical structures of the Commonwealth from harms, especially physical danger, caused by content on social media platforms or social media company practices identified by the Commission.

§ 30-410. Membership; terms; vacancies; chairman and vice-chairman.

The Commission shall consist of 20 members that include eight legislative members, six nonlegislative citizen members, and six ex officio members. Members shall be appointed as follows: five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members, one of whom shall have expertise in the impacts of social media on government and governance from an academic perspective, one of whom shall have significant background in social media policy from a civil society or journalist perspective, and one of whom may be a current or former member of law enforcement who has expertise in social media and criminal threats and violence, to be appointed by the Speaker of the House of Delegates; three nonlegislative citizen members, one of whom shall have expertise in how violent rhetoric online may influence violent actions offline, one of whom shall be a representative of a large social media company, and one of whom may have legal expertise on social media and the First Amendment to the United States Constitution, to be appointed by the Senate Committee on Rules; and Virginia's Chief Data Officer, the Chairman of the Board of Elections, the Secretary of Public Safety and Homeland Security, the Secretary of Health and Human Services, the Secretary of Commerce and Trade, and the Director of the Department of Criminal Justice Services, or their designees, who shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.

Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

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59 *The Commission shall elect a chairman and vice-chairman from among its membership, who shall be*
60 *members of the General Assembly.*

61 **§ 30-411. Quorum; meetings; voting on recommendations.**

62 *A majority of the members shall constitute a quorum. The meetings of the Commission shall be held*
63 *at the call of the chairman or whenever the majority of the members so request. The Commission shall*
64 *meet at least quarterly.*

65 *No recommendation of the Commission shall be adopted if a majority of the House members or a*
66 *majority of the Senate members appointed to the Commission (i) vote against the recommendation and*
67 *(ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.*

68 **§ 30-412. Compensation; expenses.**

69 *Legislative members of the Commission shall receive such compensation as provided in § 30-19.12,*
70 *and nonlegislative citizen members shall receive such compensation for the performance of their duties*
71 *as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses*
72 *incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to*
73 *members of the General Assembly for attendance at official meetings of the Commission shall be paid*
74 *by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other*
75 *compensation and expenses shall be paid from existing appropriations to the Commission or, if*
76 *unfunded, shall be approved by the Joint Rules Committee.*

77 **§ 30-413. Powers and duties of the Commission.**

78 *The Commission shall have the following powers and duties:*

79 1. *Identify and investigate impacts and harms to citizens and institutions, groups, associations, or*
80 *physical structures of the Commonwealth caused by social media platforms hosting or amplifying*
81 *content that includes threats or suggestions of physical violence or danger towards citizens, institutions,*
82 *groups, associations, or physical structures of the Commonwealth, especially content that pertains to*
83 *homicide, suicide, sexual assault, insurrection, or mass violence; threats to the advancement of public*
84 *health; threats to the safety and integrity of elections; or threats to the safety of elected officials;*

85 2. *Facilitate research into the harms to citizens and institutions, groups, associations, or physical*
86 *structures of the Commonwealth and facilitate cooperation between research institutions and social*
87 *media companies on these subjects, including sharing data;*

88 3. *Identify priorities and actions necessary to address social media harms negatively impacting to*
89 *citizens and institutions, groups, associations, or physical structures of the Commonwealth;*

90 4. *Develop legislative and policy recommendations to comprehensively improve the Commonwealth's*
91 *legal framework for addressing social media harms; and*

92 5. *Submit an annual report pursuant to § 30-415.*

93 **§ 30-414. Staffing.**

94 *Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates or*
95 *the Office of the Clerk of the Senate as may be appropriate for the house in which the chairman of the*
96 *Commission serves. The Division of Legislative Services shall provide legal, research, policy analysis,*
97 *and other services as requested by the Commission.*

98 **§ 30-415. Chairman's executive summary of activity and work of the Commission.**

99 *The chairman shall submit to the General Assembly and the Governor an annual executive summary*
100 *of the interim activity and work of the Commission no later than December 1. The executive summary*
101 *shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for*
102 *the processing of legislative documents and reports and shall be posted on the General Assembly's*
103 *website.*

104 **§ 30-416. Sunset.**

105 *This chapter shall expire on July 1, 2025.*

106 **2. That, for its first year of existence, if the Commission on Social Media (the Commission), as**
107 **created by this act, is not funded by a separate appropriation in the appropriation act, the**
108 **Commission may be funded from the operating budgets of the Clerk of the House of Delegates**
109 **and the Clerk of the Senate upon the approval of the Joint Rules Committee. If the Commission is**
110 **not funded by a separate appropriation in the appropriation act for any year thereafter, this**
111 **chapter shall expire on July 1 of the fiscal year in which the Commission fails to receive such**
112 **funding.**