



ARIZONA STATE HOUSE OF REPRESENTATIVES

Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR S.B. 1???

Freedom of Speech must be Protected by Due Process

Purpose

Censorship - Establishes "Due Process" to affirm or reverse Censorship. This renders prohibited Civil Damages irrelevant. Unchecked power of Big Tech IS NOT "Due Process".

Background

Section 230 – Allows Civil Action in State Court – Large Awards **No** – Reversing Injustice **Yes**

All Government and Private entities ARE bound by the Constitution. The Framers knew that absolute power corrupts absolutely. So, they put checks and balances everywhere so that NOBODY could amass so much power that they would eventually become absolutely corrupt. Sect 230 appears benevolent. Nobody wants unlimited obscenity. But Section 230 says Tech Giants can censor anything and they cannot be sued for damages **unless State Legislatures** say something different that still conforms to Section 230.

The limit on the power of the Tech Giants to violate Freedom of Speech is in the 5th Amendment "nor be deprived of life, liberty, or property, without due process of law" "Due Process" is nothing more than being treated fairly. Who has the final say? The 7th Amendment and the Bill of Rights in all State Constitutions specifies a Jury in Civil Court. In Federalist 83 Hamilton states that one judge can easily be corrupted, but a jury panel is much safer. (Paragraph 17).

Conclusion: The State Legislatures may give State Courts the authority to step in and quickly reverse individual acts of censorship. Thus, large monetary awards become moot if the period of censorship is short and temporary, or has been deterred, and no longer exists. See Federal Law 42-USC§1983 - *Civil Actions for Deprivation of Rights*. Reasonable fees and costs may be awarded to the prevailing party. This Bill is in conformance with §(c)(2) and (e)(3) of the CDA.

Provisions

1. Establishes a process to apply "Due Process" to prevent unjust censorship as required by the Constitution, while not violating provisions of Section 230 of the CDA.
2. The solution must first A) Work properly, and then B) Be the most cost effective.
3. Becomes effective on the general effective date.