

SB0141/433522/1

BY: Government, Labor, and Elections Committee

AMENDMENT TO SENATE BILL 141
(Third Reading File Bill)

On page 1, in line 4, after “requiring” insert “and authorizing”.

On page 2, in line 21, after “(1)” insert “(I)”; in lines 25 and 31, strike “(I)” and “(III)”, respectively, and substitute “1.” and “3.”, respectively; in line 28, strike “(II)” and substitute “2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,”; in the same line, after “INJUNCTION” insert “IN ACCORDANCE WITH THE MARYLAND RULES”; and in line 31, after “SUBPOENA” insert “IN ACCORDANCE WITH THE FEDERAL STORED COMMUNICATIONS ACT, IF APPLICABLE,”.

On page 3, after line 2, insert:

“(II) THE STATE ADMINISTRATOR MAY NOT SEEK AN INJUNCTION UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH AGAINST AN INTERACTIVE COMPUTER SERVICE, AS DEFINED IN 47 U.S.C. § 230, FOR THE REMOVAL OF CONTENT DISSEMINATED BY AN ANOTHER PERSON THROUGH THE INTERACTIVE COMPUTER SERVICE.”;

in line 3, after “(2)” insert “(I) THE STATE BOARD MAY NOT FILE A CIVIL ACTION UNDER THIS PARAGRAPH AGAINST A PERSON:

1. EXEMPT FROM THE REQUIREMENTS OF § 16-905 OF THIS ARTICLE; OR

2. WHO SEEKS TO DETECT, REPORT, PREVENT, INVESTIGATE, RESPOND TO, OR PROSECUTE PERSONS RESPONSIBLE FOR

SECURITY BREACHES, IDENTITY THEFT, FRAUD, HARASSMENT, OR OTHER MALICIOUS OR ILLEGAL ACTIVITY.

(II)”;

in lines 7 and 10, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; strike beginning with the first “ELECTION” in line 8 down through “DISINFORMATION” in line 9 and substitute “:

A. ELECTION DISINFORMATION; OR

B. WITH RECKLESS DISREGARD, ELECTION MISINFORMATION”;

strike beginning with “(I)” in line 13 down through “THE” in line 14 and substitute “THE”; in line 15, strike “(2)” and substitute “(2)(II)”; and strike in their entirety lines 17 through 20, inclusive, and substitute:

“(4) A COURT MAY AWARD DAMAGES, COURT COSTS, OR ATTORNEY’S FEES IN A CIVIL ACTION FILED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION ONLY BASED ON A SHOWING BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSON, CAMPAIGN, POLITICAL ACTION COMMITTEE, OR OTHER LEGAL ENTITY CREATED, USED, OR DISSEMINATED:

(I) ELECTION DISINFORMATION; OR

(II) WITH RECKLESS DISREGARD, ELECTION MISINFORMATION.”.

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On page 4, in line 3, after “**PRODUCER,**” insert “**OR AN AFFILIATE OF THE RADIO OR TELEVISION BROADCASTING STATION,**”; in line 8, strike the colon; in line 9, strike “**1.**”; strike beginning with “**AND**” in line 11 down through “**MEDIA;**” in line 15; strike beginning with “**IF**” in line 24 down through “**CANDIDATE**” in line 26; after line 26, insert:

“(C) THE FOLLOWING PERSONS MAY NOT BE FOUND TO HAVE VIOLATED THIS SECTION SOLELY BECAUSE THE PERSON’S SERVICES OR FACILITIES ARE USED BY ANOTHER PERSON TO DISSEMINATE A DEEPPAKE IN VIOLATION OF THIS SECTION:

- (1) AN INTERACTIVE COMPUTER SERVICE, AS DEFINED IN 47 U.S.C. § 230;**
- (2) AN INTERNET SERVICE PROVIDER;**
- (3) A CLOUD SERVICE PROVIDER;**
- (4) A STREAMING SERVICE PROVIDER; OR**
- (5) A TELECOMMUNICATIONS NETWORK.”;**

in line 27, strike “**(C)**” and substitute “**(D)**”; in line 29, after “**IF**” insert “**:**”

(1)”;

and in line 30, strike “**(1)**” and substitute “**(I)**”.

On page 5, in lines 1 and 4, strike “**(2)**” and “**(3)**”, respectively, and substitute “**(II)**” and “**(III)**”, respectively; in line 3, strike “**OR**”; in line 5, strike the period and substitute “**;** **OR**”

(Over)

**(IV) INFLUENCE OR ATTEMPT TO INFLUENCE A VOTER'S
DECISION WHETHER TO VOTE FOR OR AGAINST A CANDIDATE OR BALLOT ISSUE;
AND**

**(2) THE CREATION, USE, OR DISSEMINATION OF THE DEEPPAKE
RESULTS, OR HAS THE INTENT TO RESULT, IN HARM TO A VOTER, POTENTIAL
VOTER, OR PETITION.**;

in line 6, strike “(D)” and substitute “**(E)**”; and in line 6, strike “(C)” and substitute “**(D)**”.