

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1267
Second Edition Engrossed 5/13/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H1267-PCS70455-ST-60

Short Title: Amend Liability of Social Networking Sites.

(Public)

Sponsors:

Referred to:

April 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGARDING LIABILITY OF A COMMERCIAL
3 SOCIAL NETWORKING SITE TO PROVIDE THAT THE WEB SITE SHALL NOT BE
4 HELD CIVILLY LIABLE FOR DAMAGES ARISING OUT OF COMMUNICATIONS
5 ON THE WEB SITE IF THE WEB SITE MAKES A GOOD-FAITH ATTEMPT TO
6 SCREEN OUT USERS WHO ARE IN THE STATEWIDE SEX OFFENDER REGISTRY.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 14-202.5A reads as rewritten:

9 "**§ 14-202.5A. Liability of commercial social networking sites.**

10 (a) ~~Notwithstanding the provisions of G.S. 14-208.15A(f), a commercial social~~
11 ~~networking site, as defined in G.S. 14-202.5, may be held civilly liable for damages for failing~~
12 ~~to make reasonable efforts to prevent a sex offender who is registered in accordance with~~
13 ~~Article 27A of Chapter 14 of the General Statutes to access its Web site.~~ A commercial social
14 networking site, as defined in G.S. 14-202.5, that complies with G.S. 14-208.15A or makes
15 other reasonable efforts to prevent a sex offender who is registered in accordance with Article
16 27A of Chapter 14 of the General Statutes from accessing its Web site shall not be held civilly
17 liable for damages arising out of a person's communications on the social networking site's
18 system or network regardless of that person's status as a registered sex offender in North
19 Carolina or any other jurisdiction.

20 (b) For the purposes of this section, "access" is defined as allowing the sex offender to
21 do any of the activities or actions described in G.S. 14-202.5(b)(2) through G.S. 14-202.5(b)(4)
22 by utilizing the Web site."

23 **SECTION 2.** G.S. 14-208.15A(d) reads as rewritten:

24 "(d) The Division shall develop ~~criteria and adopt rules standards~~ regarding the release
25 and use of online identifier information. The ~~criteria standards~~ shall include a requirement that
26 the information obtained from the statewide registry shall not be disclosed for any purpose
27 other than for prescreening its users or comparing the database of registered users of the entity
28 against the list of online identifiers of persons in the statewide registry."

29 **SECTION 3.** This act becomes effective May 1, 2009.



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