
VETO

Bill No: SB 771
Author: Stern (D), et al.
Enrolled: 9/16/25
Vote: 27

SENATE JUDICIARY COMMITTEE: 10-0, 4/29/25

AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Weber
Pierson, Wiener

NO VOTE RECORDED: Niello, Valladares, Wahab

SENATE APPROPRIATIONS COMMITTEE: 4-0, 5/23/25

AYES: Caballero, Cabaldon, Grayson, Richardson

NO VOTE RECORDED: Seyarto, Dahle, Wahab

SENATE FLOOR: 30-8, 9/11/25

AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon,
Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird,
Limón, McGuire, McNERNEY, Menjivar, Padilla, Pérez, Reyes, Richardson,
Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Ochoa Bogh, Seyarto,
Strickland

NO VOTE RECORDED: Niello, Valladares

ASSEMBLY FLOOR: 51-2, 9/10/25 - See last page for vote

SUBJECT: Personal rights: liability: social media platforms

SOURCE: AAUW of California
Children's Advocacy Institute, University of San Diego School of
Law
Consumer Federation of California
Jewish Family and Children's Services of San Francisco
Loma LGBTQA+ Alumni and Allies
Rainbow Spaces
San Diego Democrats for Equality, Executive Board

Stop the Cycle

DIGEST: This bill creates, effective January 1, 2027, a civil action against a social media platform, as defined, with over \$100 million in gross annual revenues that aids and abets the commission of, conspires with a person to violate, or is a joint tortfeasor for a violation of, specified civil rights and hate crime laws.

ANALYSIS:

Existing federal law:

- 1) Provides that a provider or user of an interactive computer service shall not be treated as the publisher or speaker of any information provided by another information content provider. (47 United States Code (U.S.C.) § 230(c)(1).)
- 2) Provides that a provider or user of an interactive computer service shall not be held liable on account of:
 - a) any action voluntarily taken in good faith to restrict access to, or availability of, material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or
 - b) any action taken to enable or make available to information content providers or others the technical means to restrict access to such material. (47 U.S.C. § 230(c)(2).)

Existing state law:

- 1) Defines “social media platform” as a public or semipublic internet-based service or application that has users in California and that meets both of the following criteria:
 - a) A substantial function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application; a service or application that provides email or direct messaging services, without more, does not meet this criterion.
 - b) The service or application allows users to do all of the following: (1) construct a public or semipublic profile for purposes of signing into and using the service or application; (2) populate a list of other users with whom an individual shares a connection within the system; (3) create or post content viewable by other users, including, but not limited to, on message

boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users. (Business (Bus.) & Professions (Prof.) Code, § 22675(f).)

2) Defines the following additional relevant terms:

- a) “Content” means statements or comments made by users and media that are created, posted, shared, or otherwise interacted with by users on an internet-based service or application; “content” does not include media put on a service or application exclusively for the purpose of cloud storage, transmitting files, or file collaboration.
- b) “Public or semipublic internet-based service or application” excludes a service or application used to facilitate communication within a business or enterprise among employees or affiliates of the business or enterprise, provided that access to the service or application is restricted to employees or affiliates of the business or enterprise using the service or application. (Bus. & Prof. Code, § 22675(c), (d).)

3) Establishes the Ralph Civil Rights Act of 1976 (Ralph Act), the Tom Bane Civil Rights Act (Tom Bane Act), and prohibitions against sexual harassment in the workplace, which generally protect persons from violence or threats of violence on the basis of specified characteristics or their political affiliation; interference with the exercise of constitutional rights or rights protected by law; and sexual harassment. (Civ. Code, §§ 51, 51.7, 51.9, 52.)

This bill:

- 1) Makes uncodified statements relating to the prevalence of threats, coercive harassment, and intimidation on social media platforms, and the need for legislative action to protect Californians from these harms.
- 2) Establishes Title 23 within Part 4 of Division 3 of the Civil Code (Title 23).
- 3) Defines, for purposes of Title 23, a “social media platform” as a social media platform as defined in Section 22675 of the Business and Professions Code that generates more than \$100,000,000 per year in gross revenues.
- 4) Provides that a social media platform that violates the Ralph Act, the Tom Bane Act, or Section 51.9 or 52 of the Civil Code, including through its algorithms that relay content to users, or aids, abets, acts in concert, or conspires in a violation of any of those sections, or is a joint tortfeasor in an action alleging a violation of any of those sections, shall, in addition to any other remedy, in an

action brought pursuant to this provision, be liable for a civil penalty for each violation sufficient to deter future violations, but not to exceed the following:

- a) For an intentional, knowing, or willful violation, a civil penalty of up to \$1 million.
 - b) For a reckless violation, a civil penalty of up to \$500,000.
 - c) If the evidence demonstrates that the platform knew, or should have known, that the plaintiff was a minor, the court may award up to twice the penalties described in 4)(a)-(b).
- 5) Provides that, for purposes of 4), deploying an algorithm that relays content to users may be considered an act of the platform independent from the message of the content relayed.
- 6) Provides that a platform shall be deemed to have actual knowledge of the operations of its own algorithms, including how and under what circumstances its artificial intelligence and algorithms deliver content to some users but not to others.
- 7) Includes a severability clause.
- 8) Provides that any waiver of 1)-7) shall be void and unenforceable as contrary to public policy.
- 9) Provides that 1)-8) will take effect on January 1, 2027.

Author's comment

Violence, threats, and intimidation targeting certain historically vulnerable populations – Jews, LGBTQ+ community members, women, immigrants, and people of color especially – are at historic highs and rising at record-shattering rates. A recent Harvard study found a causal relationship between widespread violence against historically target groups and the practices of social media platforms.

Notwithstanding the escalating danger, social media platforms have announced dramatic retreats in screening and moderation practices to protect targeted populations. This change could not have come at a more dangerous time for groups that are historically targeted. L.A. County's most recent hate crime report reflected double or triple digit increases in hate crimes resulting in "the largest number[s]

ever recorded” against the LGBTQ+ community, Jews, Asians, Blacks, Latinos, and immigrants. This is a national trend that is accelerating.

California must respond to protect its most vulnerable residents. The least California can do is ensure that our existing laws against hate crimes, intimidation, and harassment, including conduct aimed at preventing our neighbors from exercising their constitutional rights, unambiguously apply to platform practices and offer penalties sufficient to prompt compliance with our laws without the necessity of a lawsuit.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee, the bill presented the following fiscal effect:

- 1) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to adjudicate cases filed against large social media platforms. The significant new civil penalties authorized by the bill may prompt additional lawsuits that would not otherwise have been filed. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2025-26 state budget provides \$82 million ongoing General Fund to the Trial Court Trust Fund for court operations.
- 2) Possible costs (General Fund) to the Department of Justice (DOJ) to defend legal challenges to the bill. If DOJ hires legal staff to handle this workload, the department will incur significant costs, likely in the low hundreds of thousands of dollars annually at a minimum.

SUPPORT: (Verified 10/13/25)

AAUW of California (co-source)

Children’s Advocacy Institute, University of San Diego School of Law (co-source)

Consumer Federation of California (co-source)

Jewish Family and Children’s Services of San Francisco (co-source)

Loma LGBTQA+ Alumni and Allies (co-source)

Rainbow Spaces (co-source)

San Diego Democrats for Equality, Executive Board (co-source)

Stop the Cycle (co-source)

California Initiative for Technology & Democracy
Courage California
Center for Countering Digital Hate
Hassadah
JCC/Federation of San Luis Obispo
JCRC Bay Area
JCRC of Greater Santa Barbara
Jewish Community Federation and Endowment Fund
Jewish Democratic Club of Marin
Jewish Family Service LA
Jewish Family Service of San Diego
Jewish Family Services of Silicon Valley
Jewish Family & Community Services East Bay
Jewish Family & Children's Services of San Francisco, the Peninsula, Marin & Sonoma Counties
Jewish Federation of San Diego
Jewish Federation of the Greater San Gabriel and Pomona Valleys
Jewish Free Loan Association
Jewish Long Beach
JFCS Long Beach and Orange County
JPAC

OPPOSITION: (Verified 10/13/25)

7amleh – The Arab Center for Advancement of Social Media
18 Million Rising
Alameda County Green Party
American-Arab Anti-Discrimination Committee
Anti Police-Terror Project
Arab American Caucus CA Dems
Arab American Civic Council
Arab American Cultural Center of Silicon Valley
Arab Resource & Organizing Center Action
Asian Pacific Environmental Network
Berkeley Families for Collective Liberation
CA Muslims & Friends Phone Bank
California Chamber of Commerce
California Latino School Boards Association
Code Pink Central Coast
Code Pink San Fernando Valley
Code Pink Sela

Computer and Communications Industry Association
Council on American-Islamic Relations, California
Democratic Socialists of America, East Bay Chapter
Democratic Socialists of America, San Francisco Chapter
Democrats for Palestinian Rights – Bay Area
Earth Loves Gaza
Fight for the Future
Ground Game LA
Hindus for Human Rights
Human Agenda
IfNotNow California
IMEU Policy Project
JVP Bay Area
JVP LA
JVP Sacramento
JVP San Diego
JVP South Bay
Justice Teams Network
La Raza Community Resource Center
Labor for Palestine National Network
Majdal Arab Community Center of San Diego
MPower Action
Muslim Civic Coalition
Muslim Public Affairs Council
National Iranian American Council Action
National Organization of Legal Services Workers, UAW Local 2320
Orange County Justice Initiative
Pacific Coast Psychology
Peace and Freedom Party
Queers Undermining Israeli Terrorism
Ramallah Club of San Jose
San José Against War
San José Peace and Justice Center
Showing Up for Racial Justice Bay Area
Showing Up for Racial Justice San Francisco
Speak Write Out Collective
Story Sunbirds
Tech Workers Coalition
TechNet
The Truth Project

UCLA Undergraduate Student Council, Office of the External Vice President
US Palestinian Community Network
Voices for Justice in Palestine
Approximately 2,900 individuals

ARGUMENTS IN SUPPORT: According to the Center for Countering Digital Hate:

Violence, threats, and intimidation targeting certain historically vulnerable populations – Jews, LGBTQ+ community members, women, immigrants, and people of color, especially – are at new highs and rising at record-shattering rates. For example, in L.A. County’s most recent hate crime report, the County documented both double or triple-digit increases in hate crimes resulting in “the largest number[s] ever recorded” against the LGBTQ+ community, Jews, Asians, Blacks, Latinos, and immigrants.

Notwithstanding the escalating danger, the market-dominant social media platform, Meta, has announced a dramatic retreat in screening and moderation practices to protect targeted populations. CCDH’s in-depth analysis of Meta’s policy changes shows that the company could stop as much as 97% of its content enforcement in key policy areas, including hate speech, bullying and harassment, and violence or incitement of violence...

California law already prohibits every person and every corporation from engaging in hate crimes, harassment, and intimidation aimed at frightening people out of exercising their legal rights. It is urgent to update and clarify the application of these pre-Internet laws to ensure they meet the challenges of the modern era.

SB 771 will do just that while offering financial consequences minimally proportional to the vast wealth of the corporations and the need to ensure they are motivated to comply.

ARGUMENTS IN OPPOSITION: According to the California Chamber of Commerce, the Computer and Communications Industry Association, and TechNet:

It is well established that the companies covered by this legislation have constitutional rights related to content moderation, including the right to curate, prioritize, and remove content in accordance with their terms of service. By exposing these companies to civil liability for content they do not remove, SB 771 creates a chilling effect on their editorial discretion. The significant,

prescribed civil penalties - potentially amounting into the billions for each violation - would lead platforms to over-remove lawful content to mitigate legal exposure. Therefore, if this law passes, it will almost certainly be struck down in court (see *NetChoice v Paxton*) because it imposes liability on social media platforms for whether certain types of third-party content are shown to users, as well as the expressive choices social media platforms make in designing the user experience. This violates the First Amendment rights of users and social media platforms.

Moreover, the proposed liability framework likely conflicts with Section 230 of the Communications Decency Act, which provides strong federal protections for platforms against civil liability for third-party content and for good-faith content moderation. Courts (see *Twitter, inc v. Taamneh*, 598 U.S. __ (2023)) have consistently upheld Section 230 as preempting state-level attempts to impose liability for content hosting or moderation decisions.

GOVERNOR'S VETO MESSAGE:

“I am returning Senate Bill 771 without my signature.

This bill seeks to hold social media platforms liable for algorithms that relay content violating specified California civil rights laws to their users.

I support the author’s goal of ensuring that our nation-leading civil rights laws apply equally both online and offline. I likewise share the author’s concern about the growth of discriminatory threats, violence, and coercive harassment online. I am concerned, however, that this bill is premature. Our first step should be to determine if, and to what extent, existing civil rights laws are sufficient to address violations perpetrated through algorithms. To the extent our laws prove inadequate, they should be bolstered at that time.

For this reason, I cannot sign this bill.”

ASSEMBLY FLOOR: 51-2, 9/10/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Connolly, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Stefani, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Ellis

NO VOTE RECORDED: Alanis, Caloza, Castillo, Chen, Davies, Dixon,
Elhawary, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey,
Lee, Macedo, Patterson, Petrie-Norris, Quirk-Silva, Ramos, Michelle Rodriguez,
Sanchez, Soria, Ta, Tangipa, Valencia, Wallis

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
10/14/25 10:44:36

**** **END** ****