



# COUNCIL DIRECTION TO VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES 2020 ANNUAL CONFERENCE

City Council Meeting  
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# Background

- Policy development is a vital and ongoing process within the League of California Cities.
- Each member city has one Voting Delegate at the General Assembly, which will be held virtually on October 7-9, 2020.
- This year, one resolution has been introduced for consideration by the Annual Conference.

# Proposed LOCC Resolution

A resolution of the League of California Cities calling for the amendment of Section 230 of the Communications Decency Act of 1996 to require social media companies to remove materials which promote criminal activity.

# Analysis

- Section 230 provides immunity from liability for providers and users of an “interactive computer service” who publish information provided by third-party users.
- The proposed Resolution’s intent is to:
  - Address the use of social media platforms for posting information that leads followers to meet and commit crimes
  - Hold these platforms and the persons who post this information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

# Analysis

- The Resolution is sponsored by the City of Cerritos.
- The item was submitted in reaction to events where individuals used social media platforms to coordinate planned criminal activity on specific dates, times, and in planned locations.
- These occurrences resulted in economic harm for targeted businesses, and financial loss to cities who used resources to prevent such acts from occurring.

# Analysis

- The Resolution directs the LOCC to call upon U.S. Congress to amend Section 230 to limit immunity on the following:
  1. Online platforms must establish and implement a reasonable program to identify and remove content which solicits criminal activity; and
  2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
  3. Online platforms that willfully or negligently fail in either of these duties is not immune from enforcement of state and local laws which impose liability for such failure.

# Analysis

The LOCC provided analysis of the proposed resolution, stating:

- The proposed policy objectives would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.
- However, any changes to Section 230 will likely result in legal actions to stave off violations of the First and Fourth Amendments.
  - The First Amendment prohibits government from restricting most forms of speech, which would include proposals to force tech companies to moderate content.
  - The Fourth Amendment, prevents searches (online platform data included) without a warrant based on probable cause.

# Fiscal Impact

Providing direction for this resolution will not have a fiscal impact on the City's General Fund.



# Recommendation

It is recommended that the Council, by motion:

- (a) Consider taking a position on the a proposed LOCC resolution calling for the amendment of Section 230 of the Communications Decency Act of 1996 to require social media companies to remove materials which promote criminal activity; and
- (b) Provide associated direction to its Voting Delegate for the upcoming meeting of the League General Assembly

The Council may recommend that the Council's Voting Delegate support, oppose or take no position on the resolution.

QUESTIONS?