



## Herbert H. Slatery III Attorney General & Reporter

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### AG SLATERY URGES CONGRESS TO HOLD INTERNET SERVICE PROVIDERS ACCOUNTABLE, ENSURE STATES MAINTAIN RIGHT TO STOP CRIMINAL VIOLATIONS OF STATE LAW

Nashville—Attorney General Herbert H. Slatery III joined a bipartisan group of 47 Attorneys General calling on Congress to amend the Communications Decency Act in order to ensure states and local authorities can protect citizens online and act against criminals.

The Communications Decency Act of 1996 (CDA) was designed to encourage the growth of the internet by promoting free expression and limiting the liability of internet service providers for statements made by users. Judicial interpretation of Section 230 of the Act, which provides a safe harbor to internet service providers for content posted by others, has allowed some individuals and services to aid and profit from illegal activity while evading prosecution.

"Allow States and Victims to Fight Online Sex Trafficking Act" and "Stop Enabling Sex Traffickers Act" (known as FOSTA-SESTA) was signed into law in 2018, making clear that the CDA's immunity does not apply to enforcement of federal or state sex trafficking laws. The amendment proposed by the Attorneys General builds on FOSTA-SESTA to allow law enforcement against further illegal activity on online platforms such as black-market opioid sales, identity theft, and election meddling.

Section 230 expressly exempts prosecution of federal crimes from the safe harbor, but "addressing criminal activity cannot be relegated to federal enforcement alone simply because the activity occurs online," the letter states. "Attorneys General must be allowed to address these crimes themselves and fulfill our primary mandate to protect our citizens and enforce their rights."

Attorneys General have addressed this issue with Congress before. In 2013 and 2017, nearly every state and territory AG wrote to inform Congress of the damaging misinterpretation and misapplication of Section 230 of the CDA.

To read the letter, click here:

<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2019/pr19-17-letter.pdf>

