

47 USCS § 230

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§ 230. Protection for private blocking and screening of offensive material

(a) Findings. The Congress finds the following:

- (1) The rapidly developing array of Internet and other interactive computer services available to individual Americans represent an extraordinary advance in the availability of educational and informational resources to our citizens.
- (2) These services offer users a great degree of control over the information that they receive, as well as the potential for even greater control in the future as technology develops.
- (3) The Internet and other interactive computer services offer a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity.
- (4) The Internet and other interactive computer services have flourished, to the benefit of all Americans, with a minimum of government regulation.
- (5) Increasingly Americans are relying on interactive media for a variety of political, educational, cultural, and entertainment services.

(b) Policy. It is the policy of the United States--

- (1) to promote the continued development of the Internet and other interactive computer services and other interactive media;
- (2) to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation;
- (3) to encourage the development of technologies which maximize user control over what information is received by individuals, families, and schools who use the Internet and other interactive computer services;
- (4) to remove disincentives for the development and utilization of blocking and filtering technologies that empower parents to restrict their children's access to objectionable or inappropriate online material; and
- (5) to ensure vigorous enforcement of Federal criminal laws to deter and punish trafficking in obscenity, stalking, and harassment by means of computer.

(c) Protection for "Good Samaritan" blocking and screening of offensive material.

- (1) Treatment of publisher or speaker. No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.

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(2) Civil liability. No provider or user of an interactive computer service shall 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 material described in paragraph (1) [subparagraph (A)].

(d) Obligations of interactive computer service. A provider of interactive computer service shall, at the time of entering an agreement with a customer for the provision of interactive computer service and in a manner deemed appropriate by the provider, notify such customer that parental control protections (such as computer hardware, software, or filtering services) are commercially available that may assist the customer in limiting access to material that is harmful to minors. Such notice shall identify, or provide the customer with access to information identifying, current providers of such protections.

(e) Effect on other laws.

(1) No effect on criminal law. Nothing in this section shall be construed to impair the enforcement of section 223 or 231 of this Act [47 USCS § 223 or 231], chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code [18 USCS §§ 1460 et seq. or §§ 2251 et seq.], or any other Federal criminal statute.

(2) No effect on intellectual property law. Nothing in this section shall be construed to limit or expand any law pertaining to intellectual property.

(3) State law. Nothing in this section shall be construed to prevent any State from enforcing any State law that is consistent with this section. No cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this section.

(4) No effect on communications privacy law. Nothing in this section shall be construed to limit the application of the Electronic Communications Privacy Act of 1986 or any of the amendments made by such Act, or any similar State law.

(5) No effect on sex trafficking law. Nothing in this section (other than subsection (c)(2)(A)) shall be construed to impair or limit--

(A) any claim in a civil action brought under section 1595 of title 18, United States Code, if the conduct underlying the claim constitutes a violation of section 1591 of that title [18 USCS § 1591];

(B) any charge in a criminal prosecution brought under State law if the conduct underlying the charge would constitute a violation of section 1591 of title 18, United States Code; or

(C) any charge in a criminal prosecution brought under State law if the conduct underlying the charge would constitute a violation of section 2421A of title 18, United States Code, and promotion or facilitation of prostitution is illegal in the jurisdiction where the defendant's promotion or facilitation of prostitution was targeted.

(f) Definitions. As used in this section:

(1) Internet. The term "Internet" means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

(2) Interactive computer service. The term "interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

(3)Information content provider. The term "information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service.

(4)Access software provider. The term "access software provider" means a provider of software (including client or server software), or enabling tools that do any one or more of the following:

(A)filter, screen, allow, or disallow content;

(B)pick, choose, analyze, or digest content; or

(C)transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.

History

(June 19, 1934, ch 652, Title II, Part I, § 230, as added Feb. 8, 1996,P.L. 104-104, Title V, Subtitle A, § 509, 110 Stat. 137; Oct. 21, 1998, P.L. 105-277, Div C, Title XIV, § 1404(a), 112 Stat. 2681-739.)

(As amended April 11, 2018,P.L. 115-164, § 4(a), 132 Stat. 1254.)

Annotations

Notes

References in text:

The "Electronic Communications Privacy Act of 1986", referred to in this section, is Act Oct. 21, 1896, P.L. 99-508, 100 Stat. 1848. For full classification of such Act, consult USCS Tables volumes.

Explanatory notes:

The bracketed words "subparagraph (A)" have been added in subsec. (c)(2)(B) in order to indicate the reference probably intended by Congress.

Although § 509 of Act Feb. 8, 1996, P.L. 104-104, provided for the addition of this section at the end of Title II of the Communications Act of 1934 (47 USCS §§ 201 et seq.), it was added at the end of Part I of such Title (47 USCS §§ 201 et seq.) in order to effectuate the probable intent of Congress.

Amendments:

1998 . Act Oct. 21, 1998 (effective 30 days after enactment, as provided by § 1406 of such Act, which appears as 47 USCS § 223 note), in subsec. (d)(1), inserted "or 231"; redesignated subsecs. (d) and (e) as subsecs. (e) and (f), respectively; and inserted new subsec. (d).

2018 . Act April 11, 2018 (effective on enactment and applicable as provided by § 4(b) of such Act, which appears as a note to this section), added subsec. (e)(5).

Other provisions:

Allow States and Victims to Fight Online Sex Trafficking Act of 2017; sense of Congress. Act April 11, 2018, P.L. 115-164, § 2, 132 Stat. 1253, provides: "It is the sense of Congress that--