



PRESS RELEASE

Attorney General Frosh Asks Congress to Ensure States' Rights to Investigate and Prosecute Online Criminal Activity

Coalition of Attorneys General Seeks to Stop Online Businesses Profiting from Sex Trafficking and Crimes Against Children

BALTIMORE, MD (May 23, 2019) – Maryland Attorney General Brian E. Frosh joined Attorneys General across the country [today](#) to ask Congress to amend the Communications Decency Act to ensure state and local authorities are able to protect their citizens online and take appropriate action against criminal actors.

The Communication Decency Act of 1996 (CDA) was designed to encourage the growth of the Internet by promoting free expression, particularly on online message boards. The Act was intended to allow companies who sponsor message boards to remain immune to repercussions from inappropriate posts. But due to a misinterpretation of Section 230 of the Act, some federal court opinions have interpreted it so broadly that individuals and services that knowingly aid and profit from illegal activity have been able to evade prosecution.

Section 230 expressly exempts prosecution of *federal* crimes from the safe harbor, but does not explicitly exempt prosecution of *state* and *territorial* crimes. As the attorneys general state in their letter, addressing criminal activity cannot be relegated to federal enforcement alone simply because the activity occurs online. States and territories must be allowed to address these crimes by prosecuting under their own laws in order to protect their citizens and enforce their rights.

In 2013 and again in 2017, nearly every state and territory attorney general wrote to inform Congress of this damaging misinterpretation and misapplication of Section 230 of the CDA. Today's letter again requests an amendment to the CDA to address this deficiency.

“Stop Enabling Sex Traffickers Act” and “Allow States and Victims to Fight Online Sex Trafficking 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. Unfortunately, sex trafficking is not the only abusive and criminal activity conducted on these platforms. A variety of harmful illegal activity, such as crimes against children, online black market opioid sales, identity theft, and election meddling, also takes place.

“When someone knowingly assists in crimes against children or sells drugs online, state and local prosecutors should be allowed to protect Marylanders,” said Attorney General Frosh. “We

believe the intent of the CDA was to promote free expression, but not to create asylum for criminals to abuse children and other vulnerable individuals.”

Attorneys General from 47 states and territories, including Maryland, signed today’s letter.