

An Act

ENROLLED SENATE
BILL NO. 1737

By: Gollihare of the Senate

and

Boatman and Swope of the
House

An Act relating to civil liability; defining terms; authorizing civil cause of action for damages caused by certain criminal conduct; authorizing award of certain relief; establishing burden of proof for showing certain damages; establishing requirements for certain liability; specifying amounts allowable in determination of actual damages; construing provisions; providing for cumulative remedies; providing for codification; and providing an effective date.

SUBJECT: Civil liability for criminal conduct

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 194 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Business interruption" means an actual, material, or tangible deprivation or interruption of a person's business or organizational activities, or a deprivation, loss, or destruction of an organization's tangible or intangible property;

2. "Economic injury" means any type of actual damage or expense related to evaluating, addressing, or attempting to remediate the underlying online stalking; and

3. "Organization" means any corporation, limited liability company, sole proprietorship business, limited partnership, limited liability partnership, general partnership, unincorporated association, or other organizational entity.

B. Any individual or organization that is the recipient or target of wrongful conduct described in Section 1172 or Section 1173 of Title 21 of the Oklahoma Statutes and suffers business interruption or economic injury as a result of such conduct may file a cause of action against any person committing such conduct and may seek actual damages, injunctive relief, and punitive damages against any such defendant.

C. Civil liability for damages awarded under this section shall be established by clear and convincing evidence as determined by the trier of fact. It shall not be a prerequisite to pursue such action for relief that the defendant first be charged, prosecuted, or adjudicated guilty in criminal court of the conduct described in Section 1172 or Section 1173 of Title 21 of the Oklahoma Statutes. Civil liability as provided for in this section shall be independent of any potential criminal liability.

D. Actual damages shall include but not be limited to funds expended by the plaintiff related to counseling, increased security measures, libel, or losses or funds spent relating to the business interruption or economic injury incurred. Any profits received by a defendant from the wrongful conduct may be considered in the computation of actual damages. Punitive damages may also be awarded to the injured party or parties.

E. Nothing in this section shall be construed to impose liability on an interactive computer service, as defined in 47 U.S.C., Section 230(f), for content provided by another person.

F. The wrongful conduct described in this section shall be deemed to have occurred either at the location from which the person engaged in the wrongful conduct or at the location or locations to

which the wrongful conduct was directed, and to have been committed at either the place of origin or the place of reception.

G. The remedies provided for in this section are cumulative and shall be in addition to any others provided for by law.

SECTION 2. This act shall become effective November 1, 2024.

Passed the Senate the 4th day of March, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2024.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____