

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3024

By: Jordan

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to civil procedure; creating the  
10                   Catfishing Liability Act of 2016; defining terms;  
11                   providing cause of action for Internet catfishing;  
12                   providing for liability; providing for injunctive  
13                   relief; providing for actual and punitive damages;  
14                   providing exception from liability; making remedies  
15                   cumulative; providing for codification; and providing  
16                   an effective date.

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

18                   SECTION 1.           NEW LAW           A new section of law to be codified  
19                   in the Oklahoma Statutes as Section 1450 of Title 12, unless there  
20                   is created a duplication in numbering, reads as follows:

21                   A.   This section shall be known and may be cited as the  
22                   "Catfishing Liability Act of 2016".

23                   B.   As used in this section:

24                   1.   "Photograph" means any photograph or photographic  
reproduction, still or moving, or any videotape or live television  
transmission of any person, such that the person is readily

1 identifiable. A person shall be deemed to be readily identifiable  
2 from a photograph when one who views the photograph with the naked  
3 eye can reasonably determine that the person depicted in the  
4 photograph is the same person who is complaining of its unauthorized  
5 use; and

6 2. "Social media" means forms of electronic communication  
7 through which users create online communities to share information,  
8 ideas, personal messages and other content.

9 C. Any person who knowingly uses another's name, voice,  
10 signature, photograph or likeness through social media to create  
11 false identities without such person's prior consent, or in the case  
12 of a minor the prior consent of his or her parent or legal guardian,  
13 shall be liable for Internet catfishing and liable for any damages  
14 sustained by the person or persons injured as a result thereof.

15 D. In addition, at the time of filing a petition, the plaintiff  
16 may request an automatic injunction preventing the continued use of  
17 the plaintiff's name, voice, signature, photograph or likeness.

18 E. The plaintiff may be awarded damages as provided in  
19 subsections F and G of this section.

20 F. Actual damages shall include, but not be limited to, funds  
21 spent on counseling, identity theft and libel. Any profits from the  
22 unauthorized use of such person's likeness that are attributable to  
23 the use shall be taken into account in computing the actual damages.  
24 In establishing commercialization damages, the injured party or

1 parties are required to present proof only of the gross revenue  
2 attributable to such use.

3 G. Punitive damages may also be awarded to the injured party or  
4 parties with a minimum being set of Five Hundred Dollars (\$500.00)  
5 per individual. The prevailing party in any action under this  
6 section shall also be entitled to attorney fees and costs.

7 H. Nothing in this section shall apply to law enforcement  
8 agencies or their employees acting within the scope of their  
9 employment investigating Internet crimes.

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

12 SECTION 2. This act shall become effective November 1, 2016.

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14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,  
15 dated 02/10/2016 - DO PASS, As Amended.

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