

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 3024

By: Jordan of the House  
and  
Holt of the Senate

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

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16 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

17 An Act relating to online impersonation; creating the  
18 Catfishing Liability Act of 2016; providing short  
19 title; defining terms; establishing cause of action  
20 for online impersonation for certain purposes;  
21 providing exception; authorizing request for certain  
22 injunctive relief; authorizing award of certain  
23 damages; authorizing award of certain fees and costs;  
24 construing provisions; making remedies cumulative;  
providing for noncodification; providing for  
codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law not to be  
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Catfishing  
4 Liability Act of 2016."

5 SECTION 2. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1450 of Title 12, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. As used in this section:

9 1. "Photograph" means any photograph or photographic  
10 reproduction, still or moving, or any videotape or live television  
11 transmission of any person, such that the person is readily  
12 identifiable. A person shall be deemed to be readily identifiable  
13 from a photograph when one who views the photograph with the naked  
14 eye can reasonably determine that the person depicted in the  
15 photograph is the same person who is complaining of its unauthorized  
16 use, or the person on whose behalf a complaint is being made; and

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

20 B. Any person who knowingly uses another's name, voice,  
21 signature, photograph or likeness through social media to create a  
22 false identity without such person's consent, or in the case of a  
23 minor the consent of his or her parent or legal guardian, for the  
24 purpose of harming, intimidating, threatening or defrauding such

1 person, shall be liable for online impersonation and liable for any  
2 damages sustained by the person or persons injured as a result  
3 thereof; provided, however, there shall be no liability for any  
4 online impersonation for which the sole purpose is satire or parody.

5 C. At the time of filing a petition for an action pursuant to  
6 this section, the plaintiff may request an automatic injunction  
7 preventing the continued use of the plaintiff's name, voice,  
8 signature, photograph or likeness. The plaintiff may be awarded  
9 damages as provided in subsection D of this section.

10 D. Actual damages shall include, but not be limited to, funds  
11 spent related to counseling, identity theft or libel. Any profits  
12 from the unauthorized use of such person's likeness that are  
13 attributable to the use may be considered in the computation of  
14 actual damages. Punitive damages of no less than Five Hundred  
15 Dollars (\$500.00) per individual may be awarded to the injured party  
16 or parties. The prevailing party in any action under this section  
17 shall be entitled to attorney fees and costs.

18 E. This section shall not apply to law enforcement agencies or  
19 their employees acting within the scope of their employment  
20 investigating Internet crimes. Nothing in this section shall be  
21 construed to impose liability on an interactive computer service, as  
22 defined in 47 U.S.C. 230(f), for content provided by another person.

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



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

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

16 SECTION 4. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1450 of Title 12, unless there  
18 is created a duplication in numbering, reads as follows:

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

21 B. As used in this section:

22 1. "Photograph" means any photograph or photographic  
23 reproduction, still or moving, or any videotape or live television  
24 transmission of any person, such that the person is readily  
identifiable. A person shall be deemed to be readily identifiable  
from a photograph when one who views the photograph with the naked

1 eye can reasonably determine that the person depicted in the  
2 photograph is the same person who is complaining of its unauthorized  
3 use; and

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

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

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

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

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

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

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

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

10 SECTION 5. This act shall become effective November 1, 2016.

11 Passed the House of Representatives the 23rd day of February,  
12 2016.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2016.

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Presiding Officer of the Senate

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