

1 ENGROSSED SENATE
2 BILL NO. 1737

By: Gollihare of the Senate

3 and

4 Boatman of the House

5
6 An Act relating to civil liability; defining terms;
7 authorizing civil cause of action for damages caused
8 by certain criminal conduct; authorizing award of
9 certain relief; establishing burden of proof for
10 showing certain damages; establishing requirements
11 for certain liability; specifying amounts allowable
12 in determination of actual damages; construing
13 provisions; providing for cumulative remedies;
14 providing for codification; and providing an
15 effective date.

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

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

20 A. As used in this section:

21 1. "Business interruption" means an actual, material, or
22 tangible deprivation or interruption of a person's business or
23 organizational activities, or a deprivation, loss, or destruction of
24 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

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

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

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

20 D. Actual damages shall include but not be limited to funds
21 expended by the plaintiff related to counseling, increased security
22 measures, libel, or losses or funds spent relating to the business
23 interruption or economic injury incurred. Any profits received by a
24 defendant from the wrongful conduct may be considered in the

1 computation of actual damages. Punitive damages may also be awarded
2 to the injured party or parties.

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

6 F. The wrongful conduct described in this section shall be
7 deemed to have occurred either at the location from which the person
8 engaged in the wrongful conduct or at the location or locations to
9 which the wrongful conduct was directed, and to have been committed
10 at either the place of origin or the place of reception.

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

13 SECTION 2. This act shall become effective November 1, 2024.
14 Passed the Senate the 4th day of March, 2024.

15

16

Presiding Officer of the Senate

17

18 Passed the House of Representatives the ____ day of _____,
19 2024.

20

21

Presiding Officer of the House
of Representatives

22

23

24