1	HOUSE OF REPRESENTATIVES - FLOOR VERSION
2	STATE OF OKLAHOMA
3	2nd Session of the 59th Legislature (2024)
4	ENGROSSED SENATE BILL NO. 1737 By: Gollihare of the Senate
5	and
6	Boatman of the House
7	
8	
9	An Act relating to civil liability; defining terms; authorizing civil cause of action for damages caused
10	by certain criminal conduct; authorizing award of certain relief; establishing burden of proof for
11	showing certain damages; establishing requirements for certain liability; specifying amounts allowable
12	in determination of actual damages; construing provisions; providing for cumulative remedies;
13	providing for codification; and providing an effective date.
14	
15	
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

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 15 be established by clear and convincing evidence as determined by the 16 17 trier of fact. It shall not be a prerequisite to pursue such action for relief that the defendant first be charged, prosecuted, or 18 adjudicated guilty in criminal court of the conduct described in 19 Section 1172 or Section 1173 of Title 21 of the Oklahoma Statutes. 20 Civil liability as provided for in this section shall be independent 21 of any potential criminal liability. 22

D. Actual damages shall include but not be limited to fundsexpended 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.

9 F. The wrongful conduct described in this section shall be 10 deemed to have occurred either at the location from which the person 11 engaged in the wrongful conduct or at the location or locations to 12 which the wrongful conduct was directed, and to have been committed 13 at either the place of origin or the place of reception.

14 G. The remedies provided for in this section are cumulative and 15 shall be in addition to any others provided for by law.

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

17

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated 04/04/2024 - DO PASS.

- 19
- 20 21
- 22
- 23
- 24