

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 2072

By: Fisher, Ritze, Kern and  
Bennett of the House

4 and

5 Dahm of the Senate

6  
7  
8 An Act relating to civil procedure; enacting Rachel's  
9 Law; defining term; prohibiting recognition or  
10 enforcement of foreign defamation judgments under  
11 certain circumstances; requiring determination of  
12 protection under foreign law; providing standard of  
13 proof; providing for personal jurisdiction; providing  
14 for codification; providing for noncodification; and  
15 providing an effective date.

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24 AUTHOR: Add the following Senate Coauthor: Shortey

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

"An Act relating to civil procedure; creating  
Rachel's Law; providing short title; defining term;  
providing exceptions; prohibiting recognition or  
enforcement of foreign defamation judgments under  
certain circumstances; requiring determination of  
protection under foreign law; providing standard of  
proof; providing for personal jurisdiction; stating  
applicability of provisions; providing for  
codification; providing for noncodification; 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 "Rachel's Law".

4 SECTION 2. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 718A of Title 12, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. For the purposes of this section only, a "foreign defamation  
8 judgment" shall mean any judgment for a cause of action equivalent  
9 or fundamentally similar to an action for libel or slander that is  
10 rendered by a court or tribunal outside the United States or its  
11 territories or possessions. This section shall not apply to any  
12 judgment for defamation, slander or libel rendered by a federal  
13 court or a court or tribunal in this or any other state of the  
14 United States, an American Indian tribe recognized by the United  
15 States, or one of the United States territories or possessions.

16 B. In addition to any other defenses that may exist, no foreign  
17 defamation judgment shall be recognized or enforced if:

18 1. It is determined by a court of this state that the judgment  
19 was rendered by a judicial system that does not provide impartial  
20 tribunals or procedures substantially compatible with the  
21 requirements of due process of law applicable to courts of this  
22 state;

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1           2. The court or tribunal issuing the foreign defamation  
2 judgment did not have personal jurisdiction over the defendant in  
3 accordance with the principles applicable under Oklahoma law; or

4           3. The court or tribunal issuing the foreign defamation  
5 judgment did not have subject matter jurisdiction over the action.

6           C. A foreign defamation judgment shall not be recognized by any  
7 court of this state until it is established by a preponderance of  
8 the evidence that the defamation, libel or slander law applied in  
9 the foreign defamation court's jurisdiction provides the same or  
10 higher protection for freedom of speech and press as would be  
11 provided under both the United States and Oklahoma Constitutions.  
12 If it is determined that the law in the foreign defamation  
13 judgment's jurisdiction provides the same or greater protection,  
14 then the court may proceed to consider if the judgment shall be  
15 recognized as a foreign judgment. If it is determined that the law  
16 in the foreign defamation judgment's jurisdiction does not provide  
17 the same or greater protection, or if no finding is made on this  
18 point, then the court shall not recognize or enforce the foreign  
19 defamation judgment and the judgment shall be void.

20           D. For the purpose of rendering declaratory relief with respect  
21 to a person's liability for a foreign defamation judgment and  
22 determining whether the foreign defamation judgment should be deemed  
23 nonrecognizable, this state's courts have personal jurisdiction over  
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1 any person who obtains a foreign defamation judgment against any  
2 person who:

- 3 1. Is a resident of this state;
- 4 2. Is a person or entity amenable to the jurisdiction of this  
5 state;
- 6 3. Has assets in this state; or
- 7 4. May have to take action in this state to comply with the  
8 foreign defamation judgment.

9 E. This section shall apply to foreign defamation judgments  
10 filed for enforcement on or after November 1, 2013.

11 SECTION 3. This act shall become effective November 1, 2013."

12 Passed the Senate the 15th day of April, 2013.

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Presiding Officer of the Senate

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16 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
17 2013.

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Presiding Officer of the House  
of Representatives

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8 An Act relating to civil procedure; enacting Rachel's  
9 Law; defining term; prohibiting recognition or  
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11 certain circumstances; requiring determination of  
12 protection under foreign law; providing standard of  
13 proof; providing for personal jurisdiction; providing  
14 for codification; providing for noncodification; and  
15 providing an effective date.

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

17 SECTION 4. NEW LAW A new section of law not to be  
18 codified in the Oklahoma Statutes reads as follows:

19 This act shall be known and may be cited as "Rachel's Law".

20 SECTION 5. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 718A of Title 12, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. For the purposes of this section only, a "foreign defamation  
24 judgment" shall mean any judgment for a cause of action equivalent  
or fundamentally similar to an action for libel or slander that is

1 rendered by a court or tribunal outside the United States or its  
2 territories or possessions. This section shall not apply to any  
3 judgment for defamation, slander or libel rendered by a federal  
4 court or a court or tribunal in this or any other state of the  
5 United States, its territories or possessions.

6 B. In addition to any other defenses that may exist, no foreign  
7 defamation judgment shall be recognized or enforced if:

8 1. It is determined by a court of this state that the judgment  
9 was rendered by a judicial system that does not provide impartial  
10 tribunals or procedures substantially compatible with the  
11 requirements of due process of law applicable to courts of this  
12 state;

13 2. The court or tribunal issuing the foreign defamation  
14 judgment did not have personal jurisdiction over the defendant in  
15 accordance with the principles applicable under Oklahoma law; or

16 3. The court or tribunal issuing the foreign defamation  
17 judgment did not have subject matter jurisdiction over the action.

18 C. A foreign defamation judgment shall not be recognized by any  
19 court of this state until it is established by a preponderance of  
20 the evidence that the defamation, libel or slander law applied in  
21 the foreign defamation court's jurisdiction provides the same or  
22 higher protection for freedom of speech and press as would be  
23 provided under both the United States and Oklahoma Constitutions.  
24 If it is determined that the law in the foreign defamation

1 judgment's jurisdiction provides the same or greater protection,  
2 then the court may proceed to consider if the judgment shall be  
3 recognized as a foreign judgment. If it is determined that the law  
4 in the foreign defamation judgment's jurisdiction does not provide  
5 the same or greater protection, or if no finding is made on this  
6 point, then the court shall not recognize or enforce the foreign  
7 defamation judgment and the judgment shall be void.

8 D. For the purpose of rendering declaratory relief with respect  
9 to a person's liability for a foreign defamation judgment and  
10 determining whether the foreign defamation judgment should be deemed  
11 nonrecognizable, this state's courts have personal jurisdiction over  
12 any person who obtains a foreign defamation judgment against any  
13 person who:

- 14 1. Is a resident of this state;
- 15 2. Is a person or entity amenable to the jurisdiction of this  
16 state;
- 17 3. Has assets in this state; or
- 18 4. May have to take action in this state to comply with the  
19 foreign defamation judgment.

20 E. This section shall apply to foreign defamation judgments  
21 filed for enforcement on or after November 1, 2013.

22 SECTION 6. This act shall become effective November 1, 2013.  
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1 Passed the House of Representatives the 6th day of March, 2013.

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4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2013.

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8 Presiding Officer of the Senate