

1 **SENATE FLOOR VERSION**

2 March 19, 2013

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 2072

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

8 and

9 Dahm of the Senate

10 **[civil procedure - Rachel's Law - foreign defamation
11 judgments - protection under foreign law -
12 codification - noncodification - effective date]**

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

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

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

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

20 A. For the purposes of this section only, a "foreign defamation
21 judgment" shall mean any judgment for a cause of action equivalent
22 or fundamentally similar to an action for libel or slander that is
23 rendered by a court or tribunal outside the United States or its
24 territories or possessions. This section shall not apply to any

1 judgment for defamation, slander or libel rendered by a federal
2 court or a court or tribunal in this or any other state of the
3 United States, its territories or possessions.

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

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

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

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

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

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

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

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
22 March 19, 2013 - DO PASS AS AMENDED
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