

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 2072

By: Fisher

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5
6 AS INTRODUCED

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

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

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

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

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

22 A. For the purposes of this section only, a "foreign defamation
23 judgment" shall mean any judgment for a cause of action equivalent
24 or fundamentally similar to an action for libel or slander that is
rendered by a court or tribunal outside the United States or its

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

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

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

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

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

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

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

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

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

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

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

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23 54-1-6701 SD 01/16/13
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