

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 3024

By: Jordan of the House
and
Holt of the Senate

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7 An Act relating to civil procedure; creating the
8 Catfishing Liability Act of 2016; defining terms;
9 providing cause of action for Internet catfishing;
10 providing for liability; providing for injunctive
11 relief; providing for actual and punitive damages;
12 providing exception from liability; making remedies
13 cumulative; providing for codification; and providing
14 an effective date.

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

17 An Act relating to online impersonation; creating the
18 Catfishing Liability Act of 2016; providing short
19 title; defining terms; establishing cause of action
20 for online impersonation for certain purposes;
21 providing exception; authorizing request for certain
22 injunctive relief; authorizing award of certain
23 damages; authorizing award of certain fees and costs;
24 construing provisions; making remedies cumulative;
providing for noncodification; providing for
codification; 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 the "Catfishing
4 Liability Act of 2016."

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1450 of Title 12, unless there
7 is created a duplication in numbering, reads as follows:

8 A. As used in this section:

9 1. "Photograph" means any photograph or photographic
10 reproduction, still or moving, or any videotape or live television
11 transmission of any person, such that the person is readily
12 identifiable. A person shall be deemed to be readily identifiable
13 from a photograph when one who views the photograph with the naked
14 eye can reasonably determine that the person depicted in the
15 photograph is the same person who is complaining of its unauthorized
16 use, or the person on whose behalf a complaint is being made; and

17 2. "Social media" means forms of electronic communication
18 through which users create online communities to share information,
19 ideas, personal messages and other content.

20 B. Any person who knowingly uses another's name, voice,
21 signature, photograph or likeness through social media to create a
22 false identity without such person's consent, or in the case of a
23 minor the consent of his or her parent or legal guardian, for the
24 purpose of harming, intimidating, threatening or defrauding such

1 person, shall be liable for online impersonation and liable for any
2 damages sustained by the person or persons injured as a result
3 thereof; provided, however, there shall be no liability for any
4 online impersonation for which the sole purpose is satire or parody.

5 C. At the time of filing a petition for an action pursuant to
6 this section, the plaintiff may request an automatic injunction
7 preventing the continued use of the plaintiff's name, voice,
8 signature, photograph or likeness. The plaintiff may be awarded
9 damages as provided in subsection D of this section.

10 D. Actual damages shall include, but not be limited to, funds
11 spent related to counseling, identity theft or libel. Any profits
12 from the unauthorized use of such person's likeness that are
13 attributable to the use may be considered in the computation of
14 actual damages. Punitive damages of no less than Five Hundred
15 Dollars (\$500.00) per individual may be awarded to the injured party
16 or parties. The prevailing party in any action under this section
17 shall be entitled to attorney fees and costs.

18 E. This section shall not apply to law enforcement agencies or
19 their employees acting within the scope of their employment
20 investigating Internet crimes. Nothing in this section shall be
21 construed to impose liability on an interactive computer service, as
22 defined in 47 U.S.C. 230(f), for content provided by another person.

23 F. The remedies provided for in this section are cumulative and
24 shall be in addition to any others provided for by law.

