

1 ENGROSSED HOUSE
2 BILL NO. 3024

By: Jordan of the House

3 and

4 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.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1450 of Title 12, unless there
18 is created a duplication in numbering, reads as follows:

19 A. This section shall be known and may be cited as the
20 "Catfishing Liability Act of 2016".

21 B. As used in this section:

22 1. "Photograph" means any photograph or photographic
23 reproduction, still or moving, or any videotape or live television
24 transmission of any person, such that the person is readily
identifiable. A person shall be deemed to be readily identifiable
from a photograph when one who views the photograph with the naked

1 eye can reasonably determine that the person depicted in the
2 photograph is the same person who is complaining of its unauthorized
3 use; and

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

7 C. Any person who knowingly uses another's name, voice,
8 signature, photograph or likeness through social media to create
9 false identities without such person's prior consent, or in the case
10 of a minor the prior consent of his or her parent or legal guardian,
11 shall be liable for Internet catfishing and liable for any damages
12 sustained by the person or persons injured as a result thereof.

13 D. In addition, at the time of filing a petition, the plaintiff
14 may request an automatic injunction preventing the continued use of
15 the plaintiff's name, voice, signature, photograph or likeness.

16 E. The plaintiff may be awarded damages as provided in
17 subsections F and G of this section.

18 F. Actual damages shall include, but not be limited to, funds
19 spent on counseling, identity theft and libel. Any profits from the
20 unauthorized use of such person's likeness that are attributable to
21 the use shall be taken into account in computing the actual damages.
22 In establishing commercialization damages, the injured party or
23 parties are required to present proof only of the gross revenue
24 attributable to such use.

1 G. Punitive damages may also be awarded to the injured party or
2 parties with a minimum being set of Five Hundred Dollars (\$500.00)
3 per individual. The prevailing party in any action under this
4 section shall also be entitled to attorney fees and costs.

5 H. Nothing in this section shall apply to law enforcement
6 agencies or their employees acting within the scope of their
7 employment investigating Internet crimes.

8 I. The remedies provided for in this section are cumulative and
9 shall be in addition to any others provided for by law.

10 SECTION 2. This act shall become effective November 1, 2016.

11 Passed the House of Representatives the 23rd day of February,
12 2016.

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Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2016.

Presiding Officer of the Senate