

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3024

By: Jordan

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5
6 AS INTRODUCED

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
cumulative; providing for codification; and providing
an effective date.

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

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

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

19 B. As used in this section:

20 1. "Photograph" means any photograph or photographic
21 reproduction, still or moving, or any videotape or live television
22 transmission of any person, such that the person is readily
23 identifiable. A person shall be deemed to be readily identifiable
24 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. Any person who
7 knowingly uses another's name, voice, signature, photograph or
8 likeness through social media to create false identities without
9 such person's prior consent, or in the case of a minor the prior
10 consent of his or her parent or legal guardian, shall be guilty of
11 Internet catfishing and liable for any damages sustained by the
12 person or persons injured as a result thereof.

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

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

22 E. The plaintiff may be awarded damages as provided in
23 subsections F and G of this section.
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1 F. Actual damages shall include, but not be limited to, funds
2 spent on counseling, identity theft and libel. Any profits from the
3 unauthorized use of such person's likeness that are attributable to
4 the use shall be taken into account in computing the actual damages.
5 In establishing commercialization damages, the injured party or
6 parties are required to present proof only of the gross revenue
7 attributable to such use.

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

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

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

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

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19 55-2-8841 SD 01/20/16
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