

1 ENGROSSED SENATE  
2 BILL NO. 1737

By: Gollihare of the Senate

3 and

4 Boatman of the House

5  
6 An Act relating to civil liability; defining terms;  
7 authorizing civil cause of action for damages caused  
8 by certain criminal conduct; authorizing award of  
9 certain relief; establishing burden of proof for  
10 showing certain damages; establishing requirements  
11 for certain liability; specifying amounts allowable  
12 in determination of actual damages; construing  
provisions; providing for cumulative remedies;  
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 194 of Title 12, unless there is  
16 created a duplication in numbering, reads as follows:

17 A. As used in this section:

18 1. "Business interruption" means an actual, material, or  
19 tangible deprivation or interruption of a person's business or  
20 organizational activities, or a deprivation, loss, or destruction of  
21 an organization's tangible or intangible property;

22 2. "Economic injury" means any type of actual damage or expense  
23 related to evaluating, addressing, or attempting to remediate the  
24 underlying online stalking; and

1        3. "Organization" means any corporation, limited liability  
2 company, sole proprietorship business, limited partnership, limited  
3 liability partnership, general partnership, unincorporated  
4 association, or other organizational entity.

5        B. Any individual or organization that is the recipient or  
6 target of wrongful conduct described in Section 1172 or Section 1173  
7 of Title 21 of the Oklahoma Statutes and suffers business  
8 interruption or economic injury as a result of such conduct may file  
9 a cause of action against any person committing such conduct and may  
10 seek actual damages, injunctive relief, and punitive damages against  
11 any such defendant.

12        C. Civil liability for damages awarded under this section shall  
13 be established by clear and convincing evidence as determined by the  
14 trier of fact. It shall not be a prerequisite to pursue such action  
15 for relief that the defendant first be charged, prosecuted, or  
16 adjudicated guilty in criminal court of the conduct described in  
17 Section 1172 or Section 1173 of Title 21 of the Oklahoma Statutes.  
18 Civil liability as provided for in this section shall be independent  
19 of any potential criminal liability.

20        D. Actual damages shall include but not be limited to funds  
21 expended by the plaintiff related to counseling, increased security  
22 measures, libel, or losses or funds spent relating to the business  
23 interruption or economic injury incurred. Any profits received by a  
24 defendant from the wrongful conduct may be considered in the

1 computation of actual damages. Punitive damages may also be awarded  
2 to the injured party or parties.

3 E. Nothing in this section shall be construed to impose  
4 liability on an interactive computer service, as defined in 47  
5 U.S.C., Section 230(f), for content provided by another person.

6 F. The wrongful conduct described in this section shall be  
7 deemed to have occurred either at the location from which the person  
8 engaged in the wrongful conduct or at the location or locations to  
9 which the wrongful conduct was directed, and to have been committed  
10 at either the place of origin or the place of reception.

11 G. The remedies provided for in this section are cumulative and  
12 shall be in addition to any others provided for by law.

13 SECTION 2. This act shall become effective November 1, 2024.

14 Passed the Senate the 4th day of March, 2024.

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16 \_\_\_\_\_  
17 Presiding Officer of the Senate

18 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
19 2024.

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22 Presiding Officer of the House  
23 of Representatives  
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