

**SENATE FLOOR VERSION**

February 27, 2024

SENATE BILL NO. 1737

By: Gollihare of the Senate

and

Boatman of the House

An Act relating to civil liability; defining terms; authorizing civil cause of action for damages caused by certain criminal conduct; authorizing award of certain relief; establishing burden of proof for showing certain damages; establishing requirements for certain liability; specifying amounts allowable in determination of actual damages; construing provisions; providing for cumulative remedies; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 194 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

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

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

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

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

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

23        D. Actual damages shall include but not be limited to funds  
24 expended by the plaintiff related to counseling, increased security

1 measures, libel, or losses or funds spent relating to the business  
2 interruption or economic injury incurred. Any profits received by a  
3 defendant from the wrongful conduct may be considered in the  
4 computation of actual damages. Punitive damages may also be awarded  
5 to the injured party or parties.

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
18 February 27, 2024 - DO PASS  
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