

1 ENGROSSED HOUSE  
2 BILL NO. 1405

By: Duel of the House

3 and

4 Thompson (Kristen) of the  
5 Senate

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7  
8 An Act relating to online harassment; establishing  
9 elements of certain offense; defining terms; allowing  
10 request for injunctive relief; authorizing award of  
11 damages; providing for cumulative remedies; providing  
12 for codification; and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1450.1 of Title 12, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. Any person who, by means of a telecommunication or other  
19 electronic communication device, either:

20 1. Makes any comment, request, suggestion, or proposal which is  
21 obscene, lewd, lascivious, filthy, or indecent;

22 2. Makes a telecommunication or other electronic communication,  
23 including text, sound, or image, for the purpose of terrifying,  
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1 intimidating, harassing, or threatening to inflict injury or  
2 physical harm to any person or property of that person;

3 3. Makes a telecommunication or other electronic communication,  
4 whether or not conversation ensues, for the purpose of putting the  
5 party in fear of physical harm or death;

6 4. Makes a telecommunication or other electronic communication,  
7 including text, sound, or images, whether or not conversation  
8 ensues, without disclosing the identity of the person making the  
9 call or communication and for the purpose of annoying, abusing,  
10 threatening, or harassing any person at the called number;

11 5. Makes a telecommunication or other electronic communication,  
12 including text, sound, or images, for the purpose of intimidating or  
13 threatening a person, to alter his or her mode of carrying on  
14 business, or to interrupt the carrying on of business;

15 6. Knowingly permits any telecommunication or other electronic  
16 communication under the control of the person to be used for any  
17 purpose prohibited by this section; or

18 7. In conspiracy or concerted action with other persons, makes  
19 repeated calls or electronic communications or simultaneous calls or  
20 electronic communications solely to harass any person at the called  
21 number,

22 shall be liable for online harassment and liable for any damages  
23 sustained by the person or persons injured as a result thereof.

24 B. As used in this section:

1        1. "Electronic communication" and "telecommunication" means any  
2 type of telephonic, electronic or radio communications, or  
3 transmission of signs, signals, data, writings, images, and sounds  
4 or intelligence of any nature by telephone, including cellular  
5 telephones, wire, cable, radio, electromagnetic, photoelectronic or  
6 photo-optical system, or the creation, display, management, storage,  
7 processing, transmission or distribution of images, text, voice,  
8 video or data by wire, cable or wireless means, including the  
9 Internet. The term includes:

- 10            a. a communication initiated by electronic mail, instant  
11                    message, network call, or facsimile machine including  
12                    text, sound or images,
- 13            b. a communication made to a pager, or
- 14            c. a communication including text, sound, or images  
15                    posted to a social media or other public media source;  
16                    and

17        2. "Person" means either a natural person or entity.

18        C. At the time of filing a petition for an action pursuant to  
19 this section, the plaintiff may request injunctive relief to prevent  
20 any further intimidation, harassment, threat, or abuse by means of a  
21 telecommunication or other electronic communication device. The  
22 plaintiff may be awarded damages as provided in subsection D of this  
23 section.

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1 D. Actual damages shall include but not be limited to funds  
2 spent related to counseling or libel. Punitive damages of not less  
3 than Five Hundred Dollars (\$500.00) per individual may be awarded to  
4 the injured party or parties. The prevailing party in any action  
5 under this section shall be entitled to court costs and reasonable  
6 attorney fees.

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

9 SECTION 2. This act shall become effective November 1, 2023.

10 Passed the House of Representatives the 13th day of March, 2023.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

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Presiding Officer of the Senate

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