

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1405

By: Duel

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8 COMMITTEE SUBSTITUTE

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

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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 1450.1 of Title 12, unless there
18 is created a duplication in numbering, reads as follows:

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

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

23 2. Makes a telecommunication or other electronic communication,
24 including text, sound, or image for the purpose of terrifying,

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 ensues,
8 without disclosing the identity of the person making the call or
9 communication and for the purpose of annoying, abusing, threatening,
10 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.

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COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
03/02/2023 - DO PASS, As Amended.