

# An Act

ENROLLED HOUSE  
BILL NO. 2072

By: Fisher, Ritze, Kern,  
Bennett and Johnson of the  
House

and

Dahm and Shortey of the  
Senate

An Act relating to civil procedure; creating Rachel's Law; providing short title; defining term; providing exceptions; prohibiting recognition or enforcement of foreign defamation judgments under certain circumstances; requiring determination of protection under foreign law; providing standard of proof; providing for personal jurisdiction; stating applicability of provisions; providing for codification; providing for noncodification; and providing an effective date.

SUBJECT: Foreign defamation judgments

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as "Rachel's Law".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 718A of Title 12, unless there is created a duplication in numbering, reads as follows:

A. For the purposes of this section only, a "foreign defamation judgment" shall mean any judgment for a cause of action equivalent or fundamentally similar to an action for libel or slander that is

rendered by a court or tribunal outside the United States or its territories or possessions. This section shall not apply to any judgment for defamation, slander or libel rendered by a federal court or a court or tribunal in this or any other state of the United States, an American Indian tribe recognized by the United States, or one of the United States territories or possessions.

B. In addition to any other defenses that may exist, no foreign defamation judgment shall be recognized or enforced if:

1. It is determined by a court of this state that the judgment was rendered by a judicial system that does not provide impartial tribunals or procedures substantially compatible with the requirements of due process of law applicable to courts of this state;

2. The court or tribunal issuing the foreign defamation judgment did not have personal jurisdiction over the defendant in accordance with the principles applicable under Oklahoma law; or

3. The court or tribunal issuing the foreign defamation judgment did not have subject matter jurisdiction over the action.

C. A foreign defamation judgment shall not be recognized by any court of this state until it is established by a preponderance of the evidence that the defamation, libel or slander law applied in the foreign defamation court's jurisdiction provides the same or higher protection for freedom of speech and press as would be provided under both the United States and Oklahoma Constitutions. If it is determined that the law in the foreign defamation judgment's jurisdiction provides the same or greater protection, then the court may proceed to consider if the judgment shall be recognized as a foreign judgment. If it is determined that the law in the foreign defamation judgment's jurisdiction does not provide the same or greater protection, or if no finding is made on this point, then the court shall not recognize or enforce the foreign defamation judgment and the judgment shall be void.

D. For the purpose of rendering declaratory relief with respect to a person's liability for a foreign defamation judgment and determining whether the foreign defamation judgment should be deemed nonrecognizable, this state's courts have personal jurisdiction over any person who obtains a foreign defamation judgment against any person who:

1. Is a resident of this state;
2. Is a person or entity amenable to the jurisdiction of this state;
3. Has assets in this state; or
4. May have to take action in this state to comply with the foreign defamation judgment.

E. This section shall apply to foreign defamation judgments filed for enforcement on or after November 1, 2013.

SECTION 3. This act shall become effective November 1, 2013.

Passed the House of Representatives the 7th day of May, 2013.

  
Presiding Officer of the House  
of Representatives

Passed the Senate the 15th day of April, 2013.

  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

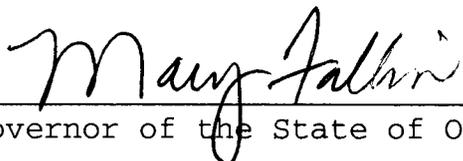
Received by the Office of the Governor this 8<sup>th</sup>

day of May, 20 13, at 3:28 o'clock P M.

By: Audrey Koczwel

Approved by the Governor of the State of Oklahoma this 14<sup>th</sup>

day of May, 20 13, at 2:39 o'clock P M.

  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 14<sup>th</sup>

day of May, 20 13, at 4:02 o'clock P M.

By: Chris Maxwell