

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 509

CREATING THE OFFENSE OF WRONGFUL DISSEMINATION OF AN ELECTRONIC COMMUNICATION
TO INFLUENCE A POLITICAL VOTE; AND TO PROVIDE FOR CIVIL LIABILITY.

Amendment No. 1 to Senate Bill No. 509

Amend Senate Bill No. 509 as originally introduced:

Page 1, delete lines 8 through 11, and substitute the following:

"AN ACT PROVIDING FOR CIVIL LIABILITY FOR WRONGFUL DISSEMINATION OF AN ELECTRONIC COMMUNICATION TO INFLUENCE A POLITICAL VOTE; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 15 through 18, and substitute the following:

"PROVIDING FOR CIVIL LIABILITY FOR WRONGFUL DISSEMINATION OF AN ELECTRONIC COMMUNICATION TO INFLUENCE A POLITICAL VOTE."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 16, Chapter 118, is amended to add a new section to read as follows:

16-118-111. Civil action for damages caused by wrongful dissemination of an electronic communication to influence a political vote.

(a) As used in this section:

(1) "Electronic communication" means any textual, visual, written, or oral communication of any kind made through the use of a computer online service, Internet service, telephone, or any other means of electronic communication, including without limitation to a local bulletin board service, an Internet chat room, electronic mail, a social networking site, phone texting, or an online messaging service; and

(2) "Political vote" means a vote by a member of the House of Representatives or Senate with respect to an issue before the General Assembly or a committee of the General Assembly.

(b) A victim whose identity is wrongfully misappropriated or misidentified by another person by that person's purposeful transmission or posting of an electronic communication that is purported to be from the victim without permission from the victim and that expresses an opinion



concerning a political issue before the General Assembly with the purpose to influence a political vote may bring a civil action for any injury and recover any damages sustained and for the costs of the civil action.

(b) If a victim prevails in a civil action under this section, damages shall include without limitation a mandatory damage award of five thousand dollars (\$5,000) per prosecutable act.

(c) A civil action under this section shall be brought within three (3) years from the date the action is discovered or should have been discovered by the exercise of reasonable diligence.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator A. Clark

BPG/BPG - 03-11-2015 16:55:57

BPG504

Secretary