

RÉSUMÉ DIGEST

ACT 60 (HB 23)

2021 Regular Session

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Prior law (R.S. 14:47) provided that defamation was the malicious publication or expression in any manner, to anyone other than the party defamed, of anything which tended to do any of the following:

- (1) Expose any person to hatred, contempt, or ridicule or to deprive him of the benefit of public confidence or social intercourse.
- (2) Expose the memory of one deceased to hatred, contempt, or ridicule.
- (3) Injure any person, corporation, or association of persons in his or their business or occupation.

Prior law provided that whoever committed the crime of defamation was fined not more than \$500, or imprisoned for not more than six months, or both.

Prior law (R.S. 14:48) provided that where a non-privilege defamatory publication or expression was false, it was presumed to be malicious unless a justifiable motive for making such publication or expression was shown. Further provided that where such a publication or expression was true, actual malice was required to be proven in order to convict the offender.

Prior law (R.S. 14:49) provided that a qualified privilege existed and actual malice was required to be proven, regardless of whether the publication was true or false, in the following situations:

- (1) Where the publication of expression was a fair and true report of any judicial, legislative, or other public or official proceeding or of any statement, speech, argument, or debate.
- (2) Where the publication or expression was a comment made in the reasonable belief of its truth, upon either:
 - (a) The conduct of a person in respect to public affairs.
 - (b) A thing which the proprietor offered or explained to the public.
- (3) Where the publication or expression was made to a person interested in the communication by one who was also interested or who stood in such a relation to the former as to have been afforded a reasonable ground for supposing his motive innocent.
- (4) Where the publication or expression was made by an attorney or party in a judicial proceeding.

Prior law (R.S. 14:50) prohibited prosecution for defamation in the following situations:

- (1) When a statement was made by a legislator or judge in the course of his official actions.
- (2) When a statement was made by a witness in a judicial proceeding, or in any other legal proceeding where testimony was required by law, and such statement was reasonably believed by the witness to have been relevant to the matter in controversy.
- (3) Against the owner, licensee, or operator of a visual or sound broadcasting station or network of stations or the agents or employees thereof, when a statement was made or uttered over such station or network of stations by one other than the owner, licensee, operator, agents, or employees.

Prior law (R.S. 15:443) provided that in all prosecutions for defamation, the truth was given in evidence.

New law repeals prior law.

Effective August 1, 2021.

(Repeals R.S. 14:47-50 and R.S. 15:443)