

2024 Regular Session

HOUSE BILL NO. 918

BY REPRESENTATIVE KERNER

CRIME: Creates the crime of defamation

1 AN ACT

2 To enact Subpart E of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 14:47 through 50, relative to the crime of defamation; to create the
4 crime of defamation; to provide for a penalty; to provide for a presumption; to
5 provide for privileges; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Subpart E of Chapter 1 of Title 14 of the Louisiana Revised Statutes of
8 1950, comprised of R.S. 14:47 through 50, is hereby enacted to read as follows:

9 SUBPART E. DEFAMATION

10 §47. Defamation

11 A. Defamation is the malicious publication or expression in any manner, to
12 anyone other than the party defamed, of anything which tends to do any of the
13 following:

14 (1) Exposes any person to hatred, contempt, or ridicule, or deprives him of
15 the benefit of public confidence or social intercourse.

16 (2) Exposes the memory of a deceased person to hatred, contempt, or
17 ridicule.

18 (3) Injures any person, corporation, or association of persons in his or their
19 business or occupation.

1 B. Whoever commits the crime of defamation shall be fined not more than
2 five hundred dollars, or imprisoned for not more than six months, or both.

3 §48. Presumption of malice

4 A. Where a nonprivileged defamatory publication or expression is false, it
5 is presumed to be malicious unless a justifiable motive is shown for making the
6 nonprivileged defamatory publication or expression.

7 B. Where a nonprivileged defamatory publication or expression is true,
8 actual malice shall be proved in order to convict the offender.

9 §49. Qualified privilege

10 A qualified privilege exists and actual malice shall be proved, regardless of
11 whether the publication is true or false, when the publication or expression is any of
12 the following:

13 (1) A fair and true report of any judicial, legislative, or other public or
14 official proceeding, or of any statement, speech, argument, or debate in the course
15 of any judicial, legislative, or other public or official proceeding.

16 (2) A comment made in the reasonable belief of its truth, upon any of the
17 following:

18 (a) The conduct of a person in respect to public affairs.

19 (b) A thing which the proprietor thereof offers or explains to the public.

20 (3) Made to a person interested in the communication, by one who is also
21 interested or who stands in such a relation to the former as to afford a reasonable
22 ground for supposing his motive innocent.

23 (4) Made by an attorney or party in a judicial proceeding.

24 §50. Absolute privilege

25 There shall be no prosecution for defamation in any of the following
26 circumstances:

27 (1) When a statement is made by a legislator or judge in the course of his
28 official duties.

1 (2) When a statement is made by a witness in a judicial proceeding, or in any
2 other legal proceeding where testimony may be required by law, and such statement
3 is reasonably believed by the witness to be relevant to the matter in controversy.

4 (3) Against the owner, licensee, or operator of a visual or sound broadcasting
5 station or network of stations or the agents or employees thereof, when a statement
6 is made or uttered over such station or network of stations by a person who is not
7 such owner, licensee, operator, agent, or employee.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 918 Original

2024 Regular Session

Kerner

Abstract: Creates the crime of defamation.

Proposed law creates the crime of defamation. Further provides that defamation is the malicious publication or expression in any manner, to anyone other than the party defamed, of anything which tends to do any of the following:

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

Proposed law provides that whoever commits the crime of defamation shall be fined not more than \$500, or imprisoned for not more than six months, or both.

Proposed law provides that where a nonprivileged defamatory publication or expression is false, it is presumed to be malicious unless a justifiable motive is shown for making the non-privileged defamatory publication or expression.

Proposed law provides that where a nonprivileged defamatory publication or expression is true, actual malice shall be proved in order to convict the offender.

Proposed law provides that a qualified privilege exists and actual malice shall be proved, regardless of whether the publication is true or false, when the publication or expression is any of the following:

- (1) A fair and true report of any judicial, legislative, or other public or official proceeding, or of any statement, speech, argument, or debate in the course of any judicial, legislative, or other public or official proceeding.
- (2) A comment made in the reasonable belief of its truth, upon any of the following:
 - (a) The conduct of a person in respect to public affairs.

- (b) A thing which the proprietor thereof offers or explains to the public.
- (3) Made to a person interested in the communication, by one who is also interested or who stands in such a relation to the former as to afford a reasonable ground for supposing his motive innocent.
- (4) Made by an attorney or party in a judicial proceeding.

Proposed law provides that there shall be no prosecution for defamation in any of the following circumstances:

- (1) When a statement is made by a legislator or judge in the course of his official duties.
- (2) When a statement is made by a witness in a judicial proceeding, or in any other legal proceeding where testimony may be required by law, and such statement is reasonably believed by the witness to be 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 is made or uttered over such station or network of stations by a person who is not such owner, licensee, operator, agent, or employee.

(Adds R.S. 14:47-50)