
HOUSE COMMITTEE AMENDMENTS

2024 Regular Session

Substitute for Original House Bill No. 918 by Representative Kerner as proposed by the House Committee on Administration of Criminal Justice

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 42:1132(D) and to enact Chapter 5 of Code Title V of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:2800.78 through 78.4, relative to the jurisdiction of the Ethics Board; to provide for liability for defamatory statements; to provide for definitions; to provide for exceptions; to provide for applicability; to provide for a defense; to provide for enforcement; to provide for additional jurisdiction of the ethics board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 5 of Code Title V of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2800.78 through 78.4, through is hereby enacted to read as follows:

CHAPTER 5. LIABILITY FOR DEFAMATORY STATEMENTS

§2800.78. Definitions

For the purposes of this Chapter, the following terms shall have the following meanings:

(1) "Actual malice" means a defamatory statement made by a person with knowledge that the statement was false.

(2) "Defamation" means the publication or expression with actual malice in any manner, to anyone other than the party defamed, of any false statement which tends to do any of the following:

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

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

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

§2800.78.1. Absolute privilege

There shall be no cause of action 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.

§2800.78.2. Truth as a defense

It shall be a defense to any cause of action brought under this Chapter that the statement or statements that were published or expressed are true.

§2800.78.3. Persons to whom applicable

The provisions of this Chapter shall apply only to an elected or appointed public official or any designee.

§2800.78.4. Enforcement

A. The ethics board shall be responsible for the enforcement of provisions of this Chapter.

B. No action to enforce any provision of this Chapter shall be commenced after expiration of two years after the occurrence of the alleged violation.

C. The ethics board shall have the authority to impose and collect a fine of five hundred dollars for a violation of this Chapter. In addition, for recurring or egregious violations of this Chapter, the ethics board may censure any person found guilty of such violation by the ethics board.

Section 2. R.S. 42:1132(D) is hereby amended and reenacted to read as follows:

§1132. Board of Ethics

* * *

D. Additional Jurisdiction. The Board of Ethics shall administer and enforce the provisions of Chapter 5 of Code Title V of Title 9 of the Louisiana Revised Statutes of 1950, R.S. 27:63, 96, 226, 261, 316, and 373, Part III of Chapter 1 of Title 24 of the Louisiana Revised Statutes of 1950, Part IV of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, Chapter 46 of Title 33 of the Louisiana Revised Statutes of 1950, and R.S. 47:9072.

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 Draft

2024 Regular Session

Abstract: Provides for the jurisdiction of the ethics board regarding defamatory statements.

Proposed law provides for definitions of the terms "actual malice" and "defamatory statements".

Proposed law provides that there shall be no cause of action 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.

Proposed law provides that it shall be a defense to any cause of action brought under proposed law that the statement or statements that were published or expressed are true.

Proposed law shall apply only to an elected or appointed public official or any designee. Proposed law provides that the ethics board shall be responsible for the enforcement of provisions of proposed law.

Proposed law provides that no action to enforce any provision of proposed law shall be commenced after expiration of two years after the occurrence of the alleged violation.

Proposed law provides that the ethics board shall have the authority to impose and collect a fine of \$500 for a violation of proposed law. Further provides that for recurring or egregious violations of proposed law, the ethics board may censure any person found guilty of such violation by the ethics board.

Present law (R.S. 42:1132) provides for the creation, duties, and jurisdiction of the Board of Ethics.

Proposed law retains present law.

Proposed law provides that the Board of Ethics shall have additional jurisdiction to administer and enforce the provisions of proposed law relative to defamatory statements.

(Amends R.S. 42:1132(D); Adds R.S. 9:2800.78-78.4)