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HOUSE BILL NO. 442

INTRODUCED BY JIM MOORE, LOCKREM

A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL SECTION
64-207.1, R.C.M. 1947, RELATING TO THE PUBLICATION OF
LIBELOUS OR DEFAMATORY MATTER BY NEWS MEDIA; AND PROVIDING
AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 64-207.1, R.C.M. 1947, is repealed.

Section 2. This act is effective on its passage and
approval.

-End-

HB 442

Approved by Committee
on Judiciary

HOUSE BILL NO. 442

INTRODUCED BY JIM MOORE, LOCKREM

A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~REPEAL~~ AMEND SECTION 64-207.1, R.C.M. 1947, RELATING TO THE PUBLICATION OF LIBELOUS OR DEFAMATORY MATTER BY NEWS MEDIA, TO PROVIDE FOR GENERAL AND SPECIAL DAMAGES; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 64-207.1, R.C.M. 1947, is ~~repealed~~. AMENDED TO READ AS FOLLOWS:

"64-207.1. Notice in writing to publisher of libelous or defamatory matter -- opportunity to correct -- defense and mitigation of damages. Before any civil action shall be commenced on account of any libelous or defamatory publication in any newspaper, magazine, periodical, radio or television station, or cable television system, the libeled person shall first give those alleged to be responsible or liable for the publication a reasonable opportunity to correct the libelous or defamatory matter. Such opportunity shall be given by notice in writing specifying the article and the statements therein which are claimed to be false and defamatory and a statement of what are claimed to be the true facts. The notice may also state the sources, if any,

from which the true facts may be ascertained with definiteness and certainty. The first issue of a newspaper, magazine or periodical published after the expiration of one week from the receipt of such notice shall be within a reasonable time for correction. In the case of radio and television stations and cable television systems a broadcast made at the same time of day as the broadcast complained of and of at least equal duration, which is made within seven (7) days following receipt of such notice shall be within a reasonable time for correction. To the extent that the true facts are, with reasonable diligence, ascertainable with definiteness and certainty, only a retraction shall constitute a correction; otherwise the publication of the libeled person's statement of the true facts, or so much thereof as shall not be libelous of another, scurrilous, or otherwise improper for publication, published as his statement, shall constitute a correction within the meaning of this section. If it shall appear upon trial that the publication was made under honest mistake or misapprehension, then a correction, timely published, without comment, in a position and type as prominent as the alleged libel, or in a broadcast made at the same time of day as the broadcast complained of and of at least equal duration, shall constitute a defense against the recovery of any damages except ~~actual~~ general and special damages, as

1 well as being competent and material in mitigation of ~~actual~~
2 general and special damages to the extent the correction
3 published does so mitigate them."

4 Section 2. This act is effective on its passage and
5 approval.

-End-