

HOUSE BILL 835

IN THE HOUSE

February 16, 1979

Introduced and referred to
Committee on Judiciary.

Committee recommend bill, do
pass.

February 20, 1979

On motion, taken from second
reading and referred to
Committee on Judiciary.

1 HOUSE BILL NO. 835
 2 INTRODUCED BY Sub. Committee Sully

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE OFFENSE
 5 OF CRIMINAL POLITICAL LIBEL; AND PROVIDING PENALTIES
 6 THEREFOR."

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

9 Section 1. Political criminal libel. If any letter,
 10 circular, poster, bill, dodger, pamphlet, publication,
 11 placard, or other document contains any false statement or
 12 charges reflecting on any candidate's character, morality,
 13 or integrity, the person paying for the printing or
 14 publishing and every person printing or knowingly assisting
 15 in the circulation is guilty of political criminal libel and
 16 upon conviction shall be punished by imprisonment in a
 17 county jail not exceeding 6 months, by a fine not exceeding
 18 \$1,000, or both. If the person charged with such crime
 19 proves on his trial that he had reasonable ground to believe
 20 such charge was true and did believe it was true and that he
 21 was not actuated by malice in making such publication, it is
 22 a sufficient defense to such charge. But in that event and
 23 as a part of such defense, the person paying for the
 24 printing or publishing, the printer or publisher, or any
 25 other person charged with such crime shall also prove that

1 at least 15 days before such letter, circular, poster, bill,
 2 dodger, pamphlet, placard, or other document containing such
 3 false statement or statements was printed or circulated, he
 4 or they caused to be served personally and in person upon
 5 the candidate to whom it relates a copy thereof in writing,
 6 calling his attention particularly to the charges contained
 7 therein, and that before printing, publishing, or
 8 circulating such charges, he received and read any denial,
 9 defense, or explanation, if any, made or offered to him in
 10 writing by the accused candidate within 10 days after the
 11 service of such charge upon the accused person.

-End-

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