1	INTRODUCED BY Maitie	<u>5B</u> BILL NO. 205
2	INTRODUCED BY Maitie	mathe
3		
4	A BILL FOR AN ACT ENTITLED: ",	AN ACT CLARIFYING THAT TRUTH IS AN ABSOLUTE DEFENSE IN A
5	CRIMINAL DEFAMATION PROCEE	EDING; AMENDING SECTION 45-8-212, MCA; AND PROVIDING AN
6	IMMEDIATE EFFECTIVE DATE."	
7		
8	WHEREAS, the Montana S	Supreme Court in <u>State v. Helfrich</u> , 53 St. Rep. 741 (1996), held tha
9	section 45-8-212, MCA, was unc	constitutional for not allowing truth as an absolute defense in crimina
10	defamation proceedings.	
11		
12	BE IT ENACTED BY THE LEGISLAT	TURE OF THE STATE OF MONTANA:
13		
14	Section 1. Section 45-8-2	212, MCA, is amended to read:
15	"45-8-212. Criminal defar	mation. (1) Defamatory matter is anything which <u>that</u> exposes a perso
16	or a group, class, or association to	hatred, contempt, ridicule, degradation, or disgrace in society or injury
17	to his <u>the person's</u> or its business	or occupation.
18	(2) Whoever, with knowled	dge of its defamatory character, orally, in writing, or by any other mean
19	communicates any defamatory mat	tter to a third person without the consent of the person defamed commit
20	the offense of criminal defamation	and may be sentenced to imprisonment for not more than 6 months in
21	the county jail or a fine of not more	re than \$500, or both.
22	(3) Violation of subsection	n (2) is justified if:
23	(a) the defamatory matter i	is true and is communicated with good motives and for justifiable onds
24	(b) the communication is a	absolutely privileged;
25	(c) the communication co	posists of fair comment made in good faith with respect to person
26	participating in matters of public co	oncern;
27	(d) the communication co	onsists of a fair and true report or a fair summary of any judicial
28	legislative, or other public or officia	al proceedings; or
29	(e) the communication is I	between persons each having an interest or duty with respect to th
30	subject matter of the communication	ion and is made with the purpose to further such <u>the</u> interest or duty.
	Legislative Services Division	SBQ05 INTRODUCED BILL

6

(4) No A person shall may not be convicted on the basis of an oral communication of defamatory 1 2 matter except upon the testimony of at least two other persons that they heard and understood the oral 3 statement as defamatory or upon a plea of guilty." 4 5

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

-END-

APPROVED BY COM ON JUDICIARY

1		<u>5B</u> BILL NO. 205	
2		the mathe	
3			
4	A BILL FOR AN ACT ENT	TLED: "AN ACT CLARIFYING THAT TRUTH IS	AN ABSOLUTE DEFENSE IN A
5	CRIMINAL DEFAMATION	PROCEEDING; AMENDING SECTION 45-8-21	2, MCA; AND PROVIDING AN
6	IMMEDIATE EFFECTIVE D	PATE."	
7			
8	WHEREAS, the M	ontana Supreme Court in <u>State v. Helfrich</u> , 53	St. Rep. 741 (1996), held that
9	section 45-8-212, MCA,	was unconstitutional for not allowing truth as	an absolute defense in criminal
10	defamation proceedings.		
11			
12	BE IT ENACTED BY THE L	EGISLATURE OF THE STATE OF MONTANA:	
13			
14	Section 1. Section	n 45-8-212, MCA, is amended to read:	
15	"45-8-212. Crimi	inal defamation. (1) Defamatory matter is anythi	ing which <u>that</u> exposes a person
16	or a group, class, or assoc	iation to hatred, contempt, ridicule, degradation	n, or disgrace in society or injury
17	to his <u>the person's</u> or its t	ousiness or occupation.	
18	(2) Whoever, with	n knowledge of its defamatory character, orally, i	in writing, or by any other means
19	communicates any defama	tory matter to a third person without the consen	t of the person defamed commits
20	the offense of criminal def	amation and may be sentenced to imprisonmen	t for not more than 6 months in
21	the county jail or a fine of	not more than \$500, or both.	
22	(3) Violation of su	ubsection (2) is justified if:	
23	(a) the defamator	y matter is true and is communicated with good	motives and for justifiable ends;
24	(b) the communic	ation is absolutely privileged;	
25	(c) the communic	ation consists of fair comment made in good	faith with respect to persons
26	participating in matters of	public concern;	
27	(d) the communic	ation consists of a fair and true report or a	a fair summary of any judicial,
28	legislative, or other public	or official proceedings; or	
29	(e) the communic	ation is between persons each having an inter	rest or duty with respect to the
30	subject matter of the com	munication and is made with the purpose to fu	rther such the interest or duty.
	Legislative Services Division	- 1 -	58205 SECOND READING

LC0507.01

1	(4) No <u>A</u> person shall <u>may not</u> be convicted on the basis of an oral communication of defamatory
2	matter except upon the testimony of at least two other persons that they heard and understood the oral
3	statement as defamatory or upon a plea of guilty."
4	
5	NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.
6	-END-

1		<u>SB</u> BILL NO. 205 Frantia	
2	INTRODUCED BY	mathe	
3			
4	A BILL FOR AN ACT ENTITLED:	"AN ACT CLARIFYING THAT TRUTH	IS AN ABSOLUTE DEFENSE IN A
5	CRIMINAL DEFAMATION PROC	EEDING; AMENDING SECTION 45-8-2	212, MCA; AND PROVIDING AN
6	IMMEDIATE EFFECTIVE DATE."		
7			
8	WHEREAS, the Montana	Supreme Court in <u>State v. Helfrich</u> , 5	3 St. Rep. 741 (1996), held that
9	section 45-8-212, MCA, was u	nconstitutional for not allowing truth a	s an absolute defense in criminal
10	defamation proceedings.		
11			
12	BE IT ENACTED BY THE LEGISL	ATURE OF THE STATE OF MONTANA	:
13			
14	Section 1. Section 45-8	-212, MCA, is amended to read:	
15	"45-8-212. Criminal de	famation. (1) Defamatory matter is anyt	hing which <u>that</u> exposes a person
16	or a group, class, or association	to hatred, contempt, ridicule, degradation	on, or disgrace in society or injury
17	to his <u>the person's</u> or its busines	ss or occupation.	
18	(2) Whoever, with know	ledge of its defamatory character, orally	, in writing, or by any other means
19	communicates any defamatory m	atter to a third person without the conse	nt of the person defamed commits
20	the offense of criminal defamation	on and may be sentenced to imprisonme	ent for not more than 6 months in
21	the county jail or a fine of not m	ore than \$500, or both.	
22	(3) Violation of subsecti	on (2) is justified if:	
23	(a) the defamatory matte	er is true and is communicated with goo	d motives and for justifiable ends ;
24	(b) the communication i	s absolutely privileged;	
25	(c) the communication	consists of fair comment made in goo	od faith with respect to persons
26	participating in matters of public	concern;	
27	(d) the communication	consists of a fair and true report or	a fair summary of any judicial,
28	legislative, or other public or off	icial proceedings; or	
29	(e) the communication i	s between persons each having an int	erest or duty with respect to the
30	subject matter of the communic	ation and is made with the purpose to f	
	Legislative Services Division	- 1 -	58205 THIRD READING

.

1	(4) No <u>A</u> person shall <u>may not</u> be convicted on the basis of an oral communication of defamatory
2	matter except upon the testimony of at least two other persons that they heard and understood the oral
3	statement as defamatory or upon a plea of guilty."
4	
5	NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

6

-END-



1	SB BILL NO. 205 INTRODUCED BY Matter Status
2	INTRODUCED BY Matter 3 Martine
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT TRUTH IS AN ABSOLUTE DEFENSE IN A
5	CRIMINAL DEFAMATION PROCEEDING; AMENDING SECTION 45-8-212, MCA; AND PROVIDING AN
6	IMMEDIATE EFFECTIVE DATE."
7	
8	WHEREAS, the Montana Supreme Court in State v. Helfrich, 53 St. Rep. 741 (1996), held that
9	section 45-8-212, MCA, was unconstitutional for not allowing truth as an absolute defense in criminal
10	defamation proceedings.
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	
14	Section 1. Section 45-8-212, MCA, is amended to read:
15	"45-8-212. Criminal defamation. (1) Defamatory matter is anything which that exposes a person
16	or a group, class, or association to hatred, contempt, ridicule, degradation, or disgrace in society or injury
17	to his the person's or its business or occupation.
18	(2) Whoever, with knowledge of its defamatory character, orally, in writing, or by any other means
19	communicates any defamatory matter to a third person without the consent of the person defamed commits
20	the offense of criminal defamation and may be sentenced to imprisonment for not more than 6 months in
21	the county jail or a fine of not more than \$500, or both.
22	(3) Violation of subsection (2) is justified if:
23	(a) the defamatory matter is true and is communicated with good motives and for justifiable onds ;
24	(b) the communication is absolutely privileged;
25	(c) the communication consists of fair comment made in good faith with respect to persons
26	participating in matters of public concern;
27	(d) the communication consists of a fair and true report or a fair summary of any judicial,
28	legislative, or other public or official proceedings; or
29	(e) the communication is between persons each having an interest or duty with respect to the
30	subject matter of the communication and is made with the purpose to further such the interest or duty.
	Legislative Services -1- 2ND RD2ND HOUSE

,

Legislative Services Division

LC0507.01

1	(4) No A person shell may not be convicted on the basis of an oral communication of defamatory
2	matter except upon the testimony of at least two other persons that they heard and understood the oral
3	statement as defamatory or upon a plea of guilty."
4	
5	NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.
6	-END-

- 2 -

55th Legislature

1	SENATE BILL NO. 205
2	INTRODUCED BY MCNUTT
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT TRUTH IS AN ABSOLUTE DEFENSE IN A
5	CRIMINAL DEFAMATION PROCEEDING; AMENDING SECTION 45-8-212, MCA; AND PROVIDING AN
6	IMMEDIATE EFFECTIVE DATE."
7	
8	WHEREAS, the Montana Supreme Court in State v. Helfrich, 53 St. Rep. 741 (1996), held that
9	section 45-8-212, MCA, was unconstitutional for not allowing truth as an absolute defense in criminal
10	defamation proceedings.
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	
14	Section 1. Section 45-8-212, MCA, is amended to read:
15	"45-8-212. Criminal defamation. (1) Defamatory matter is anything which that exposes a person
16	or a group, class, or association to hatred, contempt, ridicule, degradation, or disgrace in society or injury
17	to his the person's or its business or occupation.
18	(2) Whoever, with knowledge of its defamatory character, orally, in writing, or by any other means
19	communicates any defamatory matter to a third person without the consent of the person defamed commits
20	the offense of criminal defamation and may be sentenced to imprisonment for not more than 6 months in
21	the county jail or a fine of not more than \$500, or both.
22	(3) Violation of subsection (2) is justified if:
23	(a) the defamatory matter is true and is sommunicated with good motives and for justifiable ends;
24	(b) the communication is absolutely privileged;
25	(c) the communication consists of fair comment made in good faith with respect to persons
26	participating in matters of public concern;
27	(d) the communication consists of a fair and true report or a fair summary of any judicial,
28	legislative, or other public or official proceedings; or
29	(e) the communication is between persons each having an interest or duty with respect to the
30	subject matter of the communication and is made with the purpose to further such <u>the</u> interest or duty.

55th Legislature

6

1	(4) No <u>A</u> person shall may not be convicted on the basis of an oral communication of defamatory
2	matter except upon the testimony of at least two other persons that they heard and understood the oral
3	statement as defamatory or upon a plea of guilty."
4	
5	NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

-END-

