

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 799

Short Title: Libel Standards/Press. (Public)

Sponsors: Representative Moffitt.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 1, if favorable, Commerce, if favorable, Rules, Calendar, and Operations of the House

May 4, 2021

A BILL TO BE ENTITLED

AN ACT TO PROVIDE CRIMINAL AND CIVIL REMEDIES FOR LIBELOUS MATTER THAT CONTAINS ACTUAL MALICE PUBLISHED OR DISSEMINATED BY A NEWSPAPER, RADIO OR TELEVISION STATION, OR OTHER MEDIA OUTLET.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14.47.1. Publishing libelous matter in newspapers.

Any manager, editor, publisher, reporter, or employee of any newspaper or periodical that publishes or disseminates any false and libelous statement with actual malice directly towards any person who currently holds a State or federal public office in this State shall be guilty of a Class 2 misdemeanor. For purposes of this section, "actual malice" means with knowledge that the matter was false or with reckless disregard of whether it was false or not.

SECTION 1.(b) Chapter 99 of the General Statutes is amended by adding a new section to read:

"§ 99-1.1. Libel by publication; actual malice.

(a) A newspaper, radio or television station, or other media outlet shall not publish or disseminate libelous matter, through written, oratory, or digital means, with actual malice directed towards an individual who currently holds a State or federal public office in this State. For purposes of this section, "actual malice" means with knowledge that the matter was false or with reckless disregard of whether it was false or not.

(b) A claim for relief brought under this section against any newspaper, radio or television station, or other media outlet that has been alleged to have violated subsection (a) of this section shall not allege presumed damages. The complainant shall allege actual damages as a direct result of the libelous matter published or disseminated under subsection (a) of this section.

(c) Nothing in this section shall be construed to prevent a newspaper, radio or television station, or other media outlet from publishing or disseminating information that provides fair comment and criticism on matters of public interest."

SECTION 2. This act becomes effective October 1, 2021, and applies to acts or omissions on or after that date.

