

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2795

By Delegate Holstein

[Introduced January 18, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-2-31, relating to crimes against the person; the definition of libel; liability;
 3 exceptions; criminal proceedings; and criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-31. Libel; definitions; penalties.

1 (a) Definitions.

2 "Libel" means a malicious defamation, expressed with intent to communicate to any
 3 person, orally or in writing, any information which an individual knows to be false, or with reckless
 4 disregard of whether the statement is false or not and knows will tend to expose any other living
 5 person to public hatred, contempt, or ridicule.

6 "Publication" means any method by which matter charged as libelous may be
 7 communicated to another shall be deemed a publication thereof.

8 (b) Liability of editor or publisher.

9 Every editor or manager of any news organization, is responsible for the publication of any
 10 matter contained in any publication but in every prosecution for libel the defendant may show in his
 11 or her defense that the matter complained of was published without his or her knowledge or fault
 12 and against his or her wishes by another who had no authority from the defendant to make such
 13 publication, and was retracted by the defendant as soon as known with an equal degree of
 14 publicity.

15 (c) Exceptions.

16 (1) No reporter, editor, or manager of any news organization may be liable to any
 17 prosecution for a fair and true report of any judicial, legislative, or other public official proceedings,
 18 or of any statement, speech, argument, or debate during the same.

19 (2) No reporter, editor, or manager of any news organization may be liable to any
 20 prosecution for a fair and true report of an eyewitness account, matters related to a police

21 investigation, or historical fact, historical event, or historical statements.

22 (d) Criminal proceedings.

23 In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it
24 appears to the jury that the matter charged as libelous is true and was published with good motives
25 and for justifiable ends, the party shall be acquitted. The jury shall determine the law and the facts
26 of the case.

27 (e) Distribution of libelous information; penalty.

28 Every person who willfully states, delivers or transmits, by any means, to any editor,
29 manager, publisher, reporter, or other employee or subordinate of a publisher of any newspaper,
30 magazine, publication, periodical, or digital media organization any statement concerning any
31 person which, if published therein, would be a libel, is guilty of a misdemeanor.

32 (f) Threatening to publish libel; penalty.

33 Every person who threatens another with the publication of a libel concerning the latter, or
34 the spouse, parent, child or other family member, and every person who offers to prevent the
35 publication of a libel upon another person upon condition of the payment of, or with intent to extort,
36 money or other valuable consideration from any person, is guilty of a misdemeanor.

NOTE: The purpose of this bill is to define libel. It provides for liability; exceptions; criminal proceedings; and criminal penalties.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.