

April 9, 2009

H 1381. INTERNET DEFAMATION. Filed 4/9/09. *TO PROVIDE A CURE FOR DEFAMATION THROUGH AN ELECTRONIC MEDIUM.*

Amends GS Chapter 99 by adding new GS 99-10 to govern defamation actions where publication has been through an electronic medium, which the act defines as the internet and any computerized or electronic information service, including a bulletin board, network, online service, e-mail, forum, blog, or news group. Provides that before any action is brought for defamation by means of publication through an electronic medium, a plaintiff must request in writing a correction and posted apology from the person alleged to be responsible for its communication. The person alleged to have communicated the defamatory material must place an apology and correction in the same location in the electronic medium as the defamatory material was placed within 10 days of receiving the request from the plaintiff. Provides that a plaintiff may only recover actual damages if at trial it appears that (1) the material was communicated in good faith; (2) the falsity of the material was due to an honest mistake of the facts; (3) the material was communicated without the prior knowledge or approval of the administrator of the electronic medium; or that there were reasonable grounds for the administrator to believe that the material was true; and (4) within 10 days of the plaintiff's request, the defendant prominently posted a correction, apology, and retraction in the proper location in the electronic medium. Further provides that if a court finds that the plaintiff has enough evidence to survive a summary judgment motion, the administrator of the electronic medium involved in the alleged defamation must disclose the identity of the communicator. Applies to acts committed on or after October 1, 2009.

Intro. by Jones.

GS 99