

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10398-NB-153

Short Title: Libel Standards/Press.

(Public)

Sponsors: Representative Moffitt.

Referred to:

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

5 The General Assembly of North Carolina enacts:

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

8 "**§ 14.47.1. Publishing libelous matter in newspapers.**

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

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

16 "**§ 99-1.1. Libel by publication; actual malice.**

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

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

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

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

