

BILL ANALYSIS

C.S.H.B. 4237
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law gives protection to newspapers, periodicals, and certain broadcast mediums against libel action. In spite of the fact that Internet websites and weblogs grow increasingly similar in their use to traditional broadcast mediums, bloggers are not protected in the same way. The Internet form of journalism is a new medium for communication, read by many citizens just as print newspapers and periodicals are read, and the authors on the Internet deserve the same protection.

C.S.H.B. 4237 provides Internet websites and weblogs the same protection as newspapers and periodicals against libel action.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4237 amends the Civil Practice and Remedies Code to establish that publication by an Internet website or a weblog of a fair, true, and impartial account of certain judicial, executive, legislative, and other governmental proceedings is privileged and not a ground for a libel action.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4237 removes language in the original establishing that a broadcaster is not liable for damages for a defamatory statement published or uttered in or as part of an Internet broadcast by a person other than the broadcaster, unless the complaining party proves that the broadcaster failed to exercise due care to prevent the publication or utterance of the statement in the broadcast. The substitute removes language in the original including in the definition of "broadcaster" a person or business who streams images or images and sound using the Internet and a website or blog, and their agents and employees.

C.S.H.B. 4237 differs from the original in nonsubstantive ways using language reflective of certain drafting conventions.