

By: Peña

H.B. No. 4237

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to extending the protections of the Privileged Matters  
3 Clause of the Texas Civil Practices & Remedies Code to citizen  
4 journalists.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Title 4, Civil Practices & Remedies Code,  
7 Sections 73.002 and 73.004 are amended to read as follows:

8 Sec. 73.002. PRIVILEGED MATTERS. (a) The publication by a  
9 newspaper, internet website, weblog, or other periodical of a  
10 matter covered by this section is privileged and is not a ground for  
11 a libel action. This privilege does not extend to the republication  
12 of a matter if it is proved that the matter was republished with  
13 actual malice after it had ceased to be of public concern.

14 (b) This section applies to:

15 (1) a fair, true, and impartial account of:

16 (A) a judicial proceeding, unless the court has  
17 prohibited publication of a matter because in its judgment the  
18 interests of justice demand that the matter not be published;

19 (B) an official proceeding, other than a judicial  
20 proceeding, to administer the law;

21 (C) an executive or legislative proceeding  
22 (including a proceeding of a legislative committee), a proceeding  
23 in or before a managing board of an educational or eleemosynary  
24 institution supported from the public revenue, of the governing

1 body of a city or town, of a county commissioners court, and of a  
2 public school board or a report of or debate and statements made in  
3 any of those proceedings; or

4 (D) the proceedings of a public meeting dealing  
5 with a public purpose, including statements and discussion at the  
6 meeting or other matters of public concern occurring at the  
7 meeting; and

8 (2) reasonable and fair comment on or criticism of an  
9 official act of a public official or other matter of public concern  
10 published for general information.

11 Sec. 73.004. LIABILITY OF BROADCASTER. (a) A broadcaster  
12 is not liable in damages for a defamatory statement published or  
13 uttered in or as a part of a radio, ~~or~~ television, or internet  
14 broadcast by one other than the broadcaster unless the complaining  
15 party proves that the broadcaster failed to exercise due care to  
16 prevent the publication or utterance of the statement in the  
17 broadcast.

18 (b) In this section, "broadcaster" means an owner,  
19 licensee, ~~or~~ operator of a radio or television station or network  
20 of stations and the agents and employees of the owner, licensee, or  
21 operator, or a person or business who streams images or images and  
22 sound using the internet and a website or blog, and their agents and  
23 employees.

24 SECTION 2. The change in law made by this Act applies only  
25 to libel actions brought on or after the effect date of this Act,  
26 regardless of the date the libel occurred.

27 SECTION 3. This Act takes effect September 1, 2009.