

By: Hunter

H.B. No. 1766

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain publications that are privileged and not
3 grounds for a libel action.

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

5 SECTION 1. Section 73.002, Civil Practice and Remedies
6 Code, is amended by amending Subsection (b) and adding Subsections
7 (c) and (d) to read as follows:

8 (b) This section applies to:

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

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12 interests of justice demand that the matter not be published;

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

15 (C) an executive or legislative proceeding
16 (including a proceeding of a legislative committee), a proceeding
17 in or before a managing board of an educational or eleemosynary
18 institution supported from the public revenue, of the governing
19 body of a city or town, of a county commissioners court, and of a
20 public school board or a report of or debate and statements made in
21 any of those proceedings; or

22 (D) the proceedings of a public meeting dealing
23 with a public purpose, including statements and discussion at the
24 meeting or other matters of public concern occurring at the

1 meeting; [~~and~~]

2 (2) publication of allegations made by a third party
3 regarding matters of public concern, regardless of the truth or
4 falsity of the allegations; and

5 (3) reasonable and fair comment on or criticism of an
6 official act of a public official or other matter of public concern
7 published for general information.

8 (c) This section does not abrogate or lessen any other
9 defense, remedy, immunity, or privilege available under other
10 constitutional, statutory, case, or common law or rule provisions.

11 (d) This section shall be construed liberally to effectuate
12 its purpose and intent fully.

13 SECTION 2. The change in law made by this Act applies only
14 to a publication made on or after the effective date of this Act. A
15 publication made before the effective date of this Act is governed
16 by the law applicable to the publication immediately before that
17 date, and that law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2015.