

By: King of Hemphill

H.B. No. 3387

A BILL TO BE ENTITLED

AN ACT

relating to a defense against a libel claim based on the claimant's status as a public official or public figure.

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

SECTION 1. Subchapter A, Chapter 73, Civil Practice and Remedies Code, is amended by adding Section 73.007 to read as follows:

Sec. 73.007. DEFENSE BASED ON PUBLIC OFFICIAL OR PUBLIC FIGURE STATUS. (a) A defense to a libel claim based on the claimant's status as a public official or public figure is an affirmative defense.

(b) A defense to a libel claim based on the claimant's status as a public official or public figure must specify the manner in which the alleged libel:

(1) identified the claimant's status as a public official or public figure; or

(2) expressly related to the claimant's official conduct, performance of official duties, or fitness for the office held.

(c) A person is considered a public official for purposes of a defense to a libel claim only if the person is known as a public official in the community in which the damage to the person was proximately caused.

(d) To prevail on a defense that the claimant was a public

1 official or public figure for purposes of a defense to a libel
2 claim, a defendant must plead and prove the matters described by:

3 (1) Subsection (b)(1) or (2); and

4 (2) Subsection (c), if applicable.

5 (e) Nothing in this section changes the burden of proof,
6 degree of fault, or state of mind required by law to prove a libel
7 claim.

8 SECTION 2. The change in law made by this Act applies only
9 to a cause of action that accrues on or after the effective date of
10 this Act. A cause of action that accrued before the effective date
11 of this Act is governed by the law as it existed immediately before
12 the effective date of this Act, and that law is continued in effect
13 for that purpose.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2017.