

**Senator Scott D. McCoy** proposes the following substitute bill:

**REPEAL OF LIBEL PROVISIONS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. McCoy**

House Sponsor: Ross I. Romero

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**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code to repeal the unconstitutional criminal libel provision and to repeal related sections. This bill also repeals ~~§~~ [criminal defamation and] the ~~§~~ slander statutes.

**Highlighted Provisions:**

This bill:

- ▶ repeals the criminal libel statute, which was found unconstitutional by the Utah Supreme Court;
- ▶ repeals the definition and presumptions relating to the criminal libel offense;
- ~~§~~ [→] ~~repeals the Criminal Code offense of criminal defamation;~~ ~~←~~ §
- ▶ repeals the Criminal Code offense of slander regarding female chastity; and
- ▶ repeals the offense of transmitting a false or libelous statement to publications or broadcast stations.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 REPEALS:

27 ~~§→ [76-9-404, as enacted by Chapter 196, Laws of Utah 1973] ←§~~

28 ~~76-9-501, as enacted by Chapter 196, Laws of Utah 1973~~

29 ~~76-9-502, as last amended by Chapter 241, Laws of Utah 1991~~

30 ~~76-9-507, as last amended by Chapter 241, Laws of Utah 1991~~

31 ~~76-9-508, as last amended by Chapter 20, Laws of Utah 1995~~

32 ~~76-9-509, as enacted by Chapter 196, Laws of Utah 1973~~

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34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. **Repealer.**

36 This bill repeals:

37 ~~§→ [Section 76-9-404, Criminal defamation.] ←§~~

38 Section ~~76-9-501~~, "Libel" defined.

39 Section ~~76-9-502~~, Libel -- Elements -- Classification of offense.

40 Section ~~76-9-507~~, Slander -- Imputing unchastity to female.

41 Section ~~76-9-508~~, Slander -- Imputation need not be proven false -- Truth as  
42 defense.

43 Section ~~76-9-509~~, Conveying false or libelous material to newspaper or  
44 broadcasting stations.

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**Fiscal Note**  
**Bill Number SB0122S01**

**Repeal of Libel Provisions**

*01-Feb-06*

*11:43 AM*

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**State Impact**

No Fiscal Impact.

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**Individual and Business Impact**

No Fiscal Impact.

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**Office of the Legislative Fiscal Analyst**