

# STATE OF NEW YORK

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4799

2021-2022 Regular Sessions

## IN ASSEMBLY

February 8, 2021

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Introduced by M. of A. MONTESANO -- read once and referred to the  
Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to prohibiting affirmative defenses in certain defamation actions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3018 of the civil practice law and rules is amended  
2 by adding a new subdivision (c) to read as follows:

3 (c) Defamation. However, qualified privilege shall not be an affirma-  
4 tive defense to defamation if the statements giving rise to the claim  
5 are made in the course of a judicial proceeding or a quasi-judicial  
6 proceeding and are not pertinent or cannot be deemed relevant despite  
7 every liberality of interpretation to such proceedings.

8 § 2. This act shall take effect immediately; provided, however, the  
9 provisions contained in subdivision (c) of section 3018 of the civil  
10 practice law and rules shall apply to actions commenced on or before the  
11 effective date of this act.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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