S T A T E O F N E W Y O R K

9874

I N A S S E M B L Y

February 5, 2010

Introduced by M. of A. BRODSKY -- read once and referred to the Committee on Governmental Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article one of the constitution, in relation to freedom of speech

Section 1. Resolved (if the Senate concur), That section eight of article one of the constitution be amended to read as follows:

S 8. Every citizen may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of that right; [and no] AND EVERY CITIZEN MAY EXERCISE THIS RIGHT, AND BE SUBJECT TO THIS RESPONSIBILITY, IN ANY PLACE WHICH HAS BY TRADITION OR DESIGNATION BEEN USED FOR ASSEMBLY, DEBATE OR EXPRESSION, INCLUDING BUT NOT LIMITED TO AREAS SHARED IN COMMON BY COMMERCIAL ENTERPRISES GENERALLY OPEN TO THE PUBLIC. NO law shall be passed to restrain or abridge the liberty of speech or of the press, AND THE LEGISLATURE MAY CREATE SUCH PROGRAMS OR SET SUCH REQUIREMENTS AS MAY PROVIDE EQUAL ACCESS FOR ALL PERSONS TO THE INSTRUMENTALITY OF FREE EXPRESSION. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

S 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section one of article nineteen of the constitution, be published for three months previous to the time of such election.

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

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