

# STATE OF NEW YORK

6034

2021-2022 Regular Sessions

## IN SENATE

March 30, 2021

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law, in relation to libel and defamation actions

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

1 Section 1. Section 74 of the civil rights law, as added by chapter 310  
2 of the laws of 1962, is amended to read as follows:

3 § 74. Privileges in action for libel or defamation. 1. (a) A civil  
4 action cannot be maintained against any person, firm or corporation, for  
5 the publication of a fair and true report of any judicial proceeding,  
6 legislative proceeding or other official proceeding, or for any heading  
7 of the report which is a fair and true headnote of the statement  
8 published.

9 (b) This section does not apply to a libel contained in any other  
10 matter added by any person concerned in the publication; or in the  
11 report of anything said or done at the time and place of such a proceed-  
12 ing which was not a part thereof.

13 2. No cause of action for defamation can be maintained by any person  
14 or entity, against any person or entity, where the subject of such  
15 action includes a protected allegation, whether such protected allega-  
16 tion is formal or informal, oral or in writing. "Protected allegation"  
17 shall mean an allegation made to an employer or its agent by a person  
18 protected by the New York state human rights law or New York city human  
19 rights law, or such person's agent, of (a) an unlawful discriminatory  
20 practice as defined by the New York state human rights law or New York  
21 city human rights law, where such allegation relates to employment, or  
22 (b) employment discrimination (including retaliation) prohibited by any  
23 federal, state, or local law.

24 § 2. This act shall take effect immediately.

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

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