STATE OF NEW YORK

4549

2023-2024 Regular Sessions

IN SENATE

February 10, 2023

Introduced by Sens. GOUNARDES, BROUK, HOYLMAN-SIGAL, JACKSON, KRUEGER, MYRIE, RAMOS, RIVERA, SALAZAR, THOMAS -- 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:

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

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

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

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

§ 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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