STATE OF NEW YORK

9172

IN SENATE

May 2, 2024

Introduced by Sen. HOYLMAN-SIGAL -- 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 privileged communications in 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~~] **subdivision shall** 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. (a) A communication made by an individual, without malice, regarding an incident of sexual assault, harassment, or discrimination shall be deemed privileged.

(b) A prevailing defendant in any defamation action brought against such defendant for making a communication that is privileged under paragraph (a) of this subdivision shall be entitled to their reasonable attorney's fees and costs for successfully defending themselves in such litigation, plus treble damages for any harm caused to them by the defamation action against them, in addition to punitive damages available or any other relief otherwise permitted by law.

(c) This subdivision shall only apply to an individual that has, or at any time had, a reasonable basis to file a complaint of sexual assault, harassment, or discrimination, whether the complaint is, or was, filed or not.

(d) For the purposes of this subdivision, "communication" means factual information related to an incident of sexual assault, harassment, or

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

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discrimination experienced by the individual making the communication, including, but not limited to, any of the following:

(1) an act of sexual assault;

(2) an act of sexual harassment;

(3) an act of workplace harassment or discrimination, failure to prevent an act of workplace harassment or discrimination, aiding, abetting, inciting, compelling, or coercing an act of workplace harassment or discrimination, or an act of retaliation against a person for reporting or opposing workplace harassment or discrimination; or

(4) an act of harassment or discrimination, or an act of retaliation against a person for reporting harassment or discrimination, by the owner of a housing accommodation.

§ 2. This act shall take effect immediately.