

STATE OF NEW YORK

7506

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

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

AN ACT to amend the civil rights law, in relation to privileged communica-
tions in defamation actions

The People of the State of New York, represented in Senate and Assem-
bly, 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~~] subdivision shall not apply to a libel
10 contained in any other matter added by any person concerned in the
11 publication; or in the report of anything said or done at the time and
12 place of such a proceeding which was not a part thereof.

13 2. (a) A communication made by an individual, without malice, regard-
14 ing an incident of sexual assault, harassment, or discrimination shall
15 be deemed privileged.

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

23 (c) This subdivision shall only apply to an individual that has, or at
24 any time had, a reasonable basis to file a complaint of sexual assault,

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

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1 harassment, or discrimination, whether the complaint is, or was, filed
2 or not.

3 (d) For the purposes of this subdivision, "communication" means factu-
4 al information related to an incident of sexual assault, harassment, or
5 discrimination experienced by the individual making the communication,
6 including, but not limited to, any of the following:

7 (1) an act of sexual assault;

8 (2) an act of sexual harassment;

9 (3) an act of workplace harassment or discrimination, failure to
10 prevent an act of workplace harassment or discrimination, aiding, abet-
11 ting, inciting, compelling, or coercing an act of workplace harassment
12 or discrimination, or an act of retaliation against a person for report-
13 ing or opposing workplace harassment or discrimination; or

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

17 § 2. This act shall take effect immediately.