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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 537

02/02/2015 Authored by Hilstrom

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to crime; modifying the crime of defamation to prohibit statements that
1.3 a person knows are false and defamatory; amending Minnesota Statutes 2014,
1.4 section 609.765.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 609.765, is amended to read:

1.7 **609.765 CRIMINAL DEFAMATION.**

1.8 Subdivision 1. **Definition.** Defamatory matter is anything which exposes a person
1.9 or a group, class or association to hatred, contempt, ridicule, degradation or disgrace in
1.10 society, or injury to business or occupation.

1.11 Subd. 2. **Acts constituting.** Whoever with knowledge of its false and defamatory
1.12 character orally, in writing or by any other means, communicates any false and defamatory
1.13 matter to a third person without the consent of the person defamed is guilty of criminal
1.14 defamation and may be sentenced to imprisonment for not more than one year or to
1.15 payment of a fine of not more than \$3,000, or both.

1.16 Subd. 3. **Justification.** Violation of subdivision 2 is justified if:

1.17 ~~(1) the defamatory matter is true and is communicated with good motives and for~~
1.18 ~~justifiable ends; or~~

1.19 ~~(2) (1) the communication is absolutely privileged; or~~

1.20 ~~(3) (2) the communication consists of fair comment made in good faith with respect~~
1.21 ~~to persons participating in matters of public concern; or~~

1.22 ~~(4) (3) the communication consists of a fair and true report or a fair summary of any~~
1.23 ~~judicial, legislative or other public or official proceedings; or~~

2.1 ~~(5)~~ (4) the communication is between persons each having an interest or duty with
2.2 respect to the subject matter of the communication and is made with intent to further
2.3 such interest or duty.

2.4 Subd. 4. **Testimony required.** No person shall be convicted on the basis of an oral
2.5 communication of defamatory matter except upon the testimony of at least two other
2.6 persons that they heard and understood the oral statement as defamatory or upon a plea
2.7 of guilty.