

**LIBEL AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Julie Fisher**

Senate Sponsor: Patricia W. Jones

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**LONG TITLE**

**General Description:**

This bill limits the enforceability of foreign libel judgments.

**Highlighted Provisions:**

This bill:

- ▶ requires a libel judgment for damages meet certain standards before it can be enforced in this state;
- ▶ provides that libel judgments obtained from courts which do not apply the same protections regarding freedom of speech and press found in the United States and Utah Constitutions are not recognizable in Utah courts; and
- ▶ specifies who the judgment applies to.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**78B-5-320**, Utah Code Annotated 1953

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**78B-5-322**, Utah Code Annotated 1953

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **78B-5-320** is enacted to read:

30 **Part 3a. Nonrecognition of Foreign Judgments**

31 **78B-5-320. Grounds for nonrecognition of libel judgments.**

32 A judgment obtained in a foreign jurisdiction may be considered nonrecognizable and  
33 unenforceable by the courts of this state if:

- 34 (1) the judgment was obtained in a jurisdiction outside the United States;
- 35 (2) the judgment resulted in a libel judgment for damages; and
- 36 (3) the court sitting in this state before which the matter is brought determines that the  
37 libel law applied in the foreign court's adjudication process did not provide at least as much  
38 protection for freedom of speech and press as would be provided by the United States  
39 Constitution and the Utah Constitution.

40 Section 2. Section **78B-5-321** is enacted to read:

41 **78B-5-321. Foreign libel judgment.**

42 For the purposes of applying Title 78B, Chapter 5, Part 3, Utah Foreign Judgment Act,  
43 to this part, the courts of this state may not make the determination in Section 78B-5-320  
44 unless the person attempting to enforce the judgment submits to personal jurisdiction and the  
45 person against whom the judgment is being enforced:

- 46 (1) is a resident of this state;
- 47 (2) is a person or entity amenable to the jurisdiction of this state;
- 48 (3) has assets in this state; or
- 49 (4) may be required to take action in this state to comply with the judgment.

50 Section 3. Section **78B-5-322** is enacted to read:

51 **78B-5-322. Application.**

52 This part applies to all foreign libel judgments filed for enforcement or recognition in  
53 this state.

**Legislative Review Note**  
as of 1-14-10 12:16 PM

**Office of Legislative Research and General Counsel**

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**H.B. 96 - Libel Amendments**

**Fiscal Note**

2010 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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