

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0723

## HOUSE BILL NO. 1300

Introduced by: The Committee on Judiciary at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to revise the privileges against defamation.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 20-11-5 be amended to read as follows:

4 20-11-5. A privileged communication is one made:

5 (1) In the proper discharge of an official duty;

6 (2) In any legislative or judicial proceeding, or in any other official proceeding authorized  
7 by law. However, the privilege of this subdivision does not apply to any statement  
8 made with malice by a person who is not a legislative, judicial, or executive official;

9 (3) In a communication, without malice, to a person interested therein, by one who is also  
10 interested, or by one who stands in such relation to the person interested as to afford  
11 a reasonable ground for supposing the motive for the communication innocent, or  
12 who is requested by the person interested to give the information;

13 (4) By a fair and true report, without malice, of a judicial, legislative, or other public  
14 official proceeding or of anything said in the course thereof.

15 ~~In the cases provided for in subdivisions (3) and (4) of this section, malice~~ Malice is not to



1 be inferred from ~~the~~ communication or publication.