

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0750.01 Brita Darling x2241

SENATE BILL 12-102

SENATE SPONSORSHIP

Brophy,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF THE CRIME OF CRIMINAL LIBEL.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill repeals the crime of criminal libel, effective September 1, 2012.

1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 **SECTION 1.** In Colorado Revised Statutes, **repeal** 18-13-105 as
2 follows:

3 **18-13-105. Criminal libel.** ~~(1) A person who shall knowingly~~
4 ~~publish or disseminate, either by written instrument, sign, pictures, or the~~
5 ~~like, any statement or object tending to blacken the memory of one who~~
6 ~~is dead, or to impeach the honesty, integrity, virtue, or reputation or~~
7 ~~expose the natural defects of one who is alive, and thereby to expose him~~
8 ~~to public hatred, contempt, or ridicule, commits criminal libel.~~

9 ~~(2) It shall be an affirmative defense that the publication was true,~~
10 ~~except libels tending to blacken the memory of the dead and libels~~
11 ~~tending to expose the natural defects of the living.~~

12 ~~(3) Criminal libel is a class 6 felony.~~

13 **SECTION 2. Act subject to petition - effective date.** This act
14 takes effect September 1, 2012; except that, if a referendum petition is
15 filed pursuant to section 1 (3) of article V of the state constitution against
16 this act or an item, section, or part of this act within the ninety-day period
17 after final adjournment of the general assembly, then the act, item,
18 section, or part will not take effect unless approved by the people at the
19 general election to be held in November 2012 and, in such case, will take
20 effect on the date of the official declaration of the vote thereon by the
21 governor.