

An Act

SENATE BILL 12-102

BY SENATOR(S) Brophy, Aguilar, Cadman, Carroll, Giron, Grantham, Guzman, Jahn, King K., King S., Mitchell, Neville, Roberts, Scheffel, Spence, Steadman, White, Williams S., Shaffer B.;
also REPRESENTATIVE(S) Nikkel, Levy.

CONCERNING THE REPEAL OF THE CRIME OF CRIMINAL LIBEL.

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

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

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

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

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

SECTION 2. Act subject to petition - effective date. This act takes effect September 1, 2012; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be

held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO