

42 Pa.C.S. § 8343

Pa.C.S. documents are current through 2024 Regular Session Act 13; P.S. documents are current through 2024 Regular Session Act 13

Pennsylvania Statutes, Annotated by LexisNexis® > Pennsylvania Consolidated Statutes (§§ 101 — 9901) > Title 42. Judiciary and Judicial Procedure (Pts. I — VIII) > Part VII. Civil Actions and Proceedings (Chs. 71 — 85) > Chapter 83. Particular Rights and Immunities (Subchs. A — H) > Subchapter D. Defamation (§§ 8341 — 8345)

§ 8343. Burden of proof.

(a) Burden of plaintiff. — In an action for defamation, the plaintiff has the burden of proving, when the issue is properly raised:

- (1) The defamatory character of the communication.
- (2) Its publication by the defendant.
- (3) Its application to the plaintiff.
- (4) The understanding by the recipient of its defamatory meaning.
- (5) The understanding by the recipient of it as intended to be applied to the plaintiff.
- (6) Special harm resulting to the plaintiff from its publication.
- (7) Abuse of a conditionally privileged occasion.

(b) Burden of defendant. — In an action for defamation, the defendant has the burden of proving, when the issue is properly raised:

- (1) The truth of the defamatory communication.
- (2) The privileged character of the occasion on which it was published.
- (3) The character of the subject matter of defamatory comment as of public concern.

History

Act 1976-142 (S.B. 935), P.L. 586, § 2, approved July 9, 1976, See section of this act for effective date information.

End of Document