# **42 Pa.C.S. § 8343**

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**§ 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.

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