

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 48
LIBEL

18-4801. LIBEL DEFINED. A libel is a malicious defamation, expressed either by writing, printing, or by signs or pictures, or the like, tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue or reputation, or publish the natural or alleged defects, of one who is alive, and thereby to expose him to public hatred, contempt or ridicule.

[18-4801, added 1972, ch. 336, sec. 1, p. 944.]

18-4802. PUNISHMENT FOR LIBEL. Every person who wilfully, and with a malicious intent to injure another, publishes, or procures to be published, any libel, is punishable by fine not exceeding \$5000, or imprisonment in the county jail not exceeding six (6) months.

[18-4802, added 1972, ch. 336, sec. 1, p. 944.]

18-4803. TRUTH MAY BE PROVED -- MALICE -- JURY TO DETERMINE LAW AND FACT. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it appears to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted. The jury has the right to determine the law and the fact.

[18-4803, added 1972, ch. 336, sec. 1, p. 944.]

18-4804. MALICE PRESUMED. An injurious publication is presumed to have been malicious if no justifiable motive for making it is shown.

[18-4804, added 1972, ch. 336, sec. 1, p. 944.]

18-4805. SUFFICIENCY OF PUBLICATION. To sustain a charge of publishing a libel, it is not needful that the words or things complained of should have been read or seen by another. It is enough that the accused knowingly parted with the immediate custody of the libel under circumstances which exposed it to be read or seen by any other person than himself.

[18-4805, added 1972, ch. 336, sec. 1, p. 944.]

18-4806. LIABILITY OF AUTHORS, EDITORS AND PROPRIETORS. Each author, editor and proprietor of any book, newspaper or serial publication, is chargeable with the publication of any words contained in any part of such book, or number of such newspaper or serial.

[18-4806, added 1972, ch. 336, sec. 1, p. 944.]

18-4807. REPORT OF PUBLIC PROCEEDING. No reporter, editor, or proprietor of any newspaper is liable to any prosecution for a fair and true report of any judicial, legislative, or other public official proceedings, or of any statement, speech, argument, or debate in the course of the same, except

upon proof of malice in making such report, which shall not be implied from the mere fact of publication.

[18-4807, added 1972, ch. 336, sec. 1, p. 944.]

18-4808. LIMITATION ON PRIVILEGE IN REPORTING PUBLIC PROCEEDINGS. Libelous remarks or comments connected with matter privileged by the last section receive no privilege by reason of their being so connected.

[18-4808, added 1972, ch. 336, sec. 1, p. 945.]

18-4809. THREATS TO PUBLISH LIBEL -- EXTORTION. Every person who threatens another to publish a libel concerning him, or any parent, husband, wife, or child of such person, or member of his family, and every person who offers to prevent the publication of any libel upon another person, with intent to extort any money or other valuable consideration from any person, is guilty of a misdemeanor.

[18-4809, added 1972, ch. 336, sec. 1, p. 945.]