



**SENATE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 852**

May 7, 1996 - Offered by COMMITTEE ON JUDICIARY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after "material" insert: "and radio or television defamation".

3 **2.** Page 3, line 24: after that line insert:

4 **"SECTION 1m.** 895.052 of the statutes is renumbered 895.052 (2) and amended  
5 to read:

6 895.052 (2) ~~The Notwithstanding sub. (1), the~~ owner, licensee or operator of a  
7 visual or sound radio broadcasting station or network of stations, and the agents or  
8 employes of any such owner, licensee or operator, shall not be liable in damages for  
9 any defamatory statement published or uttered in, or as a part of, a visual or sound  
10 broadcast by a candidate for political office in those instances in which, under the  
11 acts of congress or the rules and regulations of the federal communications  
12 commission, the broadcasting station or network is prohibited from censoring the  
13 script of the broadcast.

14 **SECTION 1r.** 895.052 (1) of the statutes is created to read:

15 895.052 (1) (a) Before any civil action is commenced for damages related to  
16 defamation in any radio or television broadcast or cable television transmission, the

1 defamed person shall first give the person alleged to be responsible for the  
2 defamatory statement or material broadcast or transmitted a reasonable  
3 opportunity to correct the defamatory statement or material. A request to correct the  
4 defamatory statement or material may be made only by doing all of the following:

5 1. Mailing or delivering a written request to the person alleged to be responsible  
6 for the defamatory broadcast or transmission.

7 2. Specifying in the request the program and the statement or material that  
8 is claimed to be false and defamatory and a statement of what are claimed to be the  
9 true facts.

10 3. Stating the sources, if any, from which the true facts may be ascertained with  
11 definiteness and certainty.

12 (b) To correct the defamatory statement or material, the person alleged to be  
13 responsible for the defamatory statement or material shall, within one week after  
14 receiving the request under par. (a), broadcast or transmit a correction, as described  
15 under par. (c). The person alleged to be responsible for the defamatory statement or  
16 material shall broadcast or transmit at least 2 corrections for each alleged  
17 defamatory broadcast or transmission, one of which shall be on the same day or days  
18 of the week, at approximately the same time or times of day and of approximately  
19 the same length as the alleged defamatory broadcast or transmission.

20 (c) If the true facts are, with reasonable diligence, ascertainable with  
21 definiteness and certainty, only a retraction shall constitute a correction. If the true  
22 facts are not, with reasonable diligence, ascertainable with definiteness and  
23 certainty, the broadcast or transmission of the defamed person's statement of the  
24 true facts, or as much of the statement as is not defamatory to another, scurrilous,  
25 or otherwise improper for broadcast or transmission, identified as the defamed

1 person's statement, shall constitute a correction within the meaning of this  
2 subsection.

3 (d) A correction timely broadcast or transmitted as required under par. (b),  
4 without comment, shall constitute a defense against the recovery of any damages  
5 except actual damages, as well as being competent and material in the mitigation of  
6 actual damages to the extent that the correction mitigates the actual damages.”.

7 **3.** Page 4, line 1: after “media” insert: “or broadcast or transmitted on radio  
8 or television”.

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(END)