

HB 3564 B STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 05/20/25

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 6-0-0-0

Yeas: 6 - Broadman, Gelser Blouin, Manning Jr, McLane, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 5/8, 5/19, 5/20

WHAT THE MEASURE DOES:

The measure updates Oregon’s defamation statutes to include electronic media and requires a publisher of an electronic newspaper, magazine, or periodical to investigate a demand for retraction within two weeks. The measure requires an electronic publisher to immediately place a link to any resulting retraction or correction on any web page containing or previously containing the subject defamatory statement.

ISSUES DISCUSSED:

- Electronic media not covered by current statute
- Timelines in original law and measure
- Potential chilling effect and delayed reporting
- Weakened state of Oregon journalism
- Electronic media's option to remove defamatory statement without issuing correction, unlike traditional media

EFFECT OF AMENDMENT:

The amendment requires an electronic publisher who issues any resulting retraction or correction to immediately place a link to the retraction or correction on any web page containing or previously containing the subject defamatory statement. The amendment also reverts back to existing Oregon law except as to the addition of and retraction procedure concerning electronic media.

BACKGROUND:

The rules governing defamation claims in Oregon are set forth in ORS 31.200 to 31.225. Pursuant to ORS 31.205, the plaintiff may recover any general and special damages. Damages are not presumed but must be pleaded and proved. To recover general damages, a plaintiff must plead and prove that (1) the defendant actually intended to defame the plaintiff, or (2) the defendant failed to publish a correction or retraction on demand. ORS 31.210(1).

The demand for a retraction must be in writing, signed, and delivered to the defendant personally within 20 days after the plaintiff receives actual knowledge of the defamatory statement. ORS 31.215(1). Upon receiving the demand, the defendant has two weeks in which to investigate and then publish a correction or retraction in the first edition or broadcast thereafter in substantially as conspicuous a manner as the defamatory statement was first published. ORS 31.215(2)–(4).