

Enrolled

House Bill 3564

Sponsored by Representative HARBICK; Representatives DIEHL, RESCHKE, SKARLATOS, TRAN, YUNKER, Senators SMITH DB, STARR

CHAPTER

AN ACT

Relating to published defamatory statements; amending ORS 31.205, 31.210 and 31.215.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 31.205 is amended to read:

31.205. Except as provided in ORS 31.210, in an action for damages on account of a defamatory statement published or broadcast in a **printed or electronic** newspaper, magazine[,] **or** other [printed] periodical, or by radio, television or motion pictures, the plaintiff may recover any general and special damages [which] **that**, by competent evidence, the plaintiff can prove to have suffered as a direct and proximate result of the publication of the defamatory statement.

SECTION 2. ORS 31.210 is amended to read:

31.210. (1) In an action for damages on account of a defamatory statement published or broadcast in a **printed or electronic** newspaper, magazine[,] **or** other [printed] periodical, or by radio, television or motion pictures, the plaintiff shall not recover general damages unless:

- (a) A correction or retraction is demanded but not published as provided in ORS 31.215; or
- (b) The plaintiff proves by a preponderance of the evidence that the defendant actually intended to defame the plaintiff.

(2) Where the plaintiff is entitled to recover general damages, the publication of a correction or retraction may be considered in mitigation of damages.

SECTION 3. ORS 31.215 is amended to read:

31.215. (1) The demand for correction or retraction shall be in writing, signed by the defamed person or the attorney of the person and be delivered to the publisher of the defamatory statement, either personally, by registered mail or by certified mail with return receipt at the publisher's place of business or residence within 20 days after the defamed person receives actual knowledge of the defamatory statement. The demand shall specify which statements are false and defamatory and request that they be corrected or retracted. The demand may also refer to the sources from which the true facts may be ascertained with accuracy.

(2) The publisher of the defamatory statement shall have not more than two weeks after receipt of the demand for correction or retraction in which to investigate the demand; and, after making such investigation, the publisher shall publish the correction or retraction [in]:

(a) **In** the first issue thereafter published, in the case of **printed** newspapers, magazines or other [printed] periodicals.

(b) **In** the first broadcast or telecast thereafter made, in the case of radio or television stations.

(c) **In** the first public exhibition thereafter made, in the case of motion picture theaters.

(d) By immediately placing a link to the correction or retraction on any page containing or previously containing the defamatory statement, in the case of electronic newspapers, magazines or other periodicals.

(3) The correction or retraction shall consist of a statement by the publisher substantially to the effect that the defamatory statements previously made are not factually supported and that the publisher regrets the original publication thereof.

(4) The correction or retraction shall be published in substantially as conspicuous a manner as the defamatory statement.

Passed by House April 17, 2025

Received by Governor:

Repassed by House June 13, 2025

.....M.,....., 2025

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2025

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Julie Fahey, Speaker of House

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Tina Kotek, Governor

Passed by Senate June 11, 2025

Filed in Office of Secretary of State:

.....M.,....., 2025

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Rob Wagner, President of Senate

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Tobias Read, Secretary of State