

IC 34-15

**ARTICLE 15. CAUSES OF ACTION: DEFAMATION,
LIBEL, AND SLANDER**

IC 34-15-1

Chapter 1. Pleadings in Actions for Libel or Slander

IC 34-15-1-1

Allegation; burden of proof

Sec. 1. In an action for libel or slander, it is sufficient to state generally that the defamatory matter published or spoken was about the plaintiff. If the defendant denies the allegation, the plaintiff must prove at trial the facts showing that the defamatory matter was published or spoken about the plaintiff.

As added by P.L.1-1998, SEC.10.

IC 34-15-1-2

Truth; mitigating circumstances; evidence

Sec. 2. In an action for libel or slander, the defendant may allege:

- (1) the truth of the matter charged as defamatory; and
 - (2) mitigating circumstances to reduce the damages;
- and give either or both in evidence.

As added by P.L.1-1998, SEC.10.

IC 34-15-2

Chapter 2. Standard of Proof in Actions for Libel or Slander

IC 34-15-2-1

Abrogation of reasonable doubt standard

Sec. 1. The proof of an answer of justification in cases of libel and slander is controlled by the rule that applies to the proof of issues in other civil cases.

As added by P.L.1-1998, SEC.10.

IC 34-15-3

Chapter 3. Defamation Actions Against Radio and Television Broadcasters

IC 34-15-3-1

Applicability of chapter

Sec. 1. (a) This chapter applies to a suit brought for:

- (1) publishing;
- (2) speaking;
- (3) uttering; or
- (4) conveying by words, acts, or in any other manner;

a libel or slander by any radio or television station or company in Indiana.

(b) Section 3 of this chapter does not apply to a case of libel or slander against a candidate for a public office in Indiana, unless the retraction of the charge is made in an audible or visible manner at least three (3) days before the election.

As added by P.L.1-1998, SEC.10.

IC 34-15-3-2

Service of notice

Sec. 2. At least three (3) days before filing a complaint in a suit described in section 1 of this chapter, the aggrieved party shall serve notice:

- (1) in writing;
- (2) on the manager of the radio or television station;
- (3) at the principal office of the radio or television station; and
- (4) that specifies the words or acts that the aggrieved party alleges to be false and defamatory.

As added by P.L.1-1998, SEC.10.

IC 34-15-3-3

Retraction mitigates damages

Sec. 3. The plaintiff in a suit described in section 1 of this chapter may recover only actual damages if it appears, upon trial of the action, that:

- (1) the words or acts were conveyed and broadcast in good faith;
- (2) the falsity of the words or acts was due to mistake or misapprehension of the facts; and
- (3) a full and fair retraction of any words or acts alleged to be erroneous was conveyed or broadcast:
 - (A) on a regular program of the radio or television company;
 - (B) within ten (10) days after the mistake or misapprehension was brought to the knowledge of the manager; and
 - (C) at approximately the same time and by the same sending power so as to be as visible and audible as the original acts or words complained of.

As added by P.L.1-1998, SEC.10.

IC 34-15-4

Chapter 4. Defamation Actions Against Newspaper Publishers

IC 34-15-4-1

Applicability of chapter

Sec. 1. (a) This chapter applies to a suit for the:

- (1) publication of a libel by a newspaper; or
- (2) transmission of a libel by a news service;

in Indiana.

(b) Section 3 of this chapter does not apply to a case of libel against a candidate for a public office in Indiana, unless the retraction is made in the manner set out in section 3 of this chapter at least three (3) days before the election.

As added by P.L.1-1998, SEC.10.

IC 34-15-4-2

Service of notice

Sec. 2. (a) Before bringing a suit described in section 1 of this chapter, the aggrieved party shall:

- (1) at least four (4) days before filing the complaint against a news service;
- (2) at least six (6) days before filing the complaint against a daily newspaper; or
- (3) at least eleven (11) days before filing the complaint against a weekly newspaper;

serve notice in writing specifying the factual statements in the article that are alleged to be false and defamatory, and correcting the falsity of the statements by reference to the true facts.

(b) If the publication of the alleged libel was by a newspaper, the notice shall be served on the publisher at the newspaper's principal office of publication. If the transmission of the alleged libel was by a news service, the notice shall be served on the bureau chief at the news service's principal Indiana office.

As added by P.L.1-1998, SEC.10.

IC 34-15-4-3

Retraction mitigates damages

Sec. 3. The plaintiff in a suit described in section 1 of this chapter may recover only actual damages if:

- (1) it appears at the trial of the action that:
 - (A) the article was published or transmitted in good faith; and
 - (B) the falsity of the article was due to mistake or misapprehension of the facts;
- (2) a full and fair retraction of a factual statement alleged to be false and defamatory was published in a regular issue of the newspaper or transmitted to its members or subscribers by the news service:
 - (A) within three (3) days by a news service;
 - (B) within five (5) days, if the newspaper is a daily

publication; or

(C) within ten (10) days, if the newspaper is a weekly publication;

after the mistake or misapprehension was brought to the knowledge of the publisher or bureau chief; and

(3) the retraction was published in as conspicuous a place and type as the original item appeared in the newspaper or was transmitted by a news service to all members or subscribers to whom the original item was transmitted.

As added by P.L.1-1998, SEC.10.

IC 34-15-5

Chapter 5. Actions for Certain False Charges

IC 34-15-5-1

Actionable charges

Sec. 1. Every charge of incest, homosexuality, bestiality, fornication, adultery, or whoredom falsely made against any person is actionable in the same manner as in the case of slanderous words charging a felony.

As added by P.L.1-1998, SEC.10.