

# HOUSE . . . . . No. 2104

By Mr. Linsky of Brookline, petition of Kenneth A. Wolfe, Jr., and Martin A. Linsky for legislation to provide for declaratory relief in the case of certain defamatory statements. The Judiciary.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Two.

### AN ACT PROVIDING FOR DECLARATORY RELIEF IN THE CASE OF CERTAIN DEFAMATORY STATEMENTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 231A of the General Laws is hereby amended by  
2 inserting after section 9 the following section: —

3 *Section 10.* Any person alleging harm as a result of defama-  
4 tion published in a newspaper or periodical or in a radio or  
5 television broadcast may bring a declaratory action for a court  
6 determination of the truth or falsity of the allegedly defama-  
7 tory publication(s). This shall be an action separate and distinct  
8 from any action for damages. Calendar priority shall be af-  
9 forded any such declaratory action. Upon a determination that  
10 the publication complained of is false, the court shall issue an  
11 order requiring the defendant to publish the findings of the  
12 court. This ordered publication shall be given the same promi-  
13 nence as the publication(s) complained of in the action for  
14 declaratory judgment. The right of action created by this sec-  
15 tion shall survive to the benefit of the spouse, children, or  
16 parents of any person allegedly defamed.

