

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.