

FINAL BILL REPORT

SB 5147

C 88 L 09
Synopsis as Enacted

Brief Description: Repealing criminal libel statutes.

Sponsors: Senators Kline and Rockefeller.

Senate Committee on Judiciary
House Committee on Judiciary

Background: Division II of the Washington State Court of Appeals found, in *Parmelee v. Lehman*, that Washington's criminal libel statutory scheme, RCW 9.58.010 and RCW 9.58.020, is facially unconstitutional because it prohibits true speech and false speech made without actual malice. The court further found the statutes to be unconstitutional for overbreadth. The decision of this court has not been appealed. Therefore, Division II will deem these statutes unconstitutional until the Supreme Court makes a different determination as to the constitutionality of these statutes or the Legislature modifies or repeals them. Court of Appeals Divisions I and III have not yet been faced with the task to determine the constitutionality of these statutes. Hence, there is not uniformity between the courts as to the constitutionality of these statutes.

Summary: The criminal libel statutes are repealed.

Votes on Final Passage:

Senate	44	0
House	95	1

Effective: July 26, 2009

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.