

SEC. 3-504. LIABILITY OF BROADCASTING STATIONS FOR DEFAMATORY STATEMENTS OF CANDIDATE FOR PUBLIC OFFICE AS TO PERSONS OTHER THAN OPPONENT.

(A) COMPENSATORY DAMAGES.

(1) AN OWNER, LICENSEE, OR OPERATOR OF A TELEVISION OR RADIO STATION OR NETWORK OF STATIONS AND HIS AGENTS OR EMPLOYEES MAY BE LIABLE FOR A DEFAMATORY STATEMENT PUBLISHED OR UTTERED OVER THE FACILITIES OF THE STATION OR NETWORK OF STATIONS BY A CANDIDATE FOR PUBLIC OFFICE AS TO A PERSON OTHER THAN HIS OPPONENT.

(2) EXCEPT AS PROVIDED IN SUBSECTION (B), THE LIABILITY IS LIMITED TO COMPENSATION FOR ACTUAL DAMAGES SUSTAINED.

(B) PUNITIVE DAMAGES.

UPON PROOF OF ACTUAL MALICE ON PART OF THE OWNER, LICENSEE, OR OPERATOR OF THE BROADCASTING STATION OR NETWORK OF STATIONS AND HIS AGENTS OR EMPLOYEES, PUNITIVE DAMAGES MAY BE ASSESSED.

REVISOR'S NOTE: This section is new language derived from Art. 75, §6. The provisions of this section are placed in two new sections with several subsections for the purpose of emphasis. Sec. 3-503 contains provisions which presently appear in §6(a). Sec. 3-504 contains provisions which presently appear in §6(b).

It should be noted that §6 has not been amended since its adoption in 1952 and has never been interpreted in a Maryland appellate decision.

The present state of law in this area shows that a significant measure of first amendment protection is accorded to defamatory speech in the interest of free and open discussion with respect to persons and issues of public importance. The public official in order to recover damages for defamation arising out of his official conduct must establish that the criticism was made with "actual malice", although not in the sense of ill-will, see Greenbelt v. Bresler, 398 U.S. 6 (1970), but in the sense of actual knowledge of falsity or