

HOUSE BILL 333

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

## INTRODUCED BY

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## AN ACT

RELATING TO TORTS; PROVIDING THAT A PREVAILING DEFENDANT IN AN ACTION FOR LIBEL, SLANDER, INVASION OF PRIVACY OR OTHER CERTAIN TORTS MAY RECOVER DAMAGES, TREBLE DAMAGES, ATTORNEY FEES AND COSTS FROM THE PLAINTIFF IF THE ACTION WAS BASED ON A STATEMENT THAT IS MADE WITHOUT MALICE, FACTUALLY TRUE AND REGARDING AN INCIDENT OF SEXUAL ASSAULT, SEXUAL HARASSMENT OR UNLAWFUL DISCRIMINATORY PRACTICE EXPERIENCED BY THE PREVAILING DEFENDANT; MAKING CONFORMING AMENDMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 41-7-1 NMSA 1978 (being Laws 1955, Chapter 50, Section 1) is amended to read:

"41-7-1. LIMITATION OF TORT ACTIONS FOR LIBEL, SLANDER OR  
INVASION OF PRIVACY--DAMAGES RECOVERABLE.--

A. No person shall have more than one cause of

.233136.1

1 action for damages for libel, [or] slander, [or] invasion of  
2 privacy or any other tort founded upon any single publication,  
3 [or] exhibition or utterance, such as any one edition of a  
4 newspaper, [or] book or magazine or any one presentation to an  
5 audience, [or] any one broadcast over radio or television or  
6 any one exhibition of a motion picture. Recovery in any action  
7 shall include all damages for any such tort suffered by the  
8 plaintiff in all jurisdictions.

9 B. A prevailing defendant in an action for libel,  
10 slander, invasion of privacy or other tort based on a single  
11 publication, exhibition or utterance may recover damages,  
12 treble damages and reasonable attorney fees and costs from the  
13 plaintiff if the action was based on a publication, exhibition  
14 or utterance by the prevailing defendant that is:

15 (1) made without malice;  
16 (2) factually true; and  
17 (3) regarding an incident of sexual assault,  
18 sexual harassment or unlawful discriminatory practice as  
19 provided in Section 28-1-7 NMSA 1978 that was experienced by  
20 the prevailing defendant."