2026 -- H 7206

S T A T E   O F   R H O D E   I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N   A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- CAUSES OF ACTION

It is enacted by the General Assembly as follows:

1   SECTION 1. Chapter 9-1 of the General Laws entitled "Causes of Action" is hereby

2   amended by adding thereto the following section:

3   **9-1-55. Limitations on actions based on defamation relating to sexual assault,**

4   **harassment or discrimination.**

5   (a) An individual making a communication regarding an incident of sexual assault,

6   harassment, or discrimination, upon proof the communication was made without malice or gross

7   negligence, shall have an affirmative defense to civil liability in any action for defamation.

8   (b) For the purposes of this section, "communication" means factual information related to

9   an incident of sexual assault, harassment, or discrimination experienced by the individual making

10   the communication, including, but not limited to, any of the following:

11   (1) An act of sexual assault;

12   (2) An act of sexual harassment;

13   (3) An act of workplace harassment or discrimination, failure to prevent an act of

14   workplace harassment or discrimination, aiding, abetting, inciting, compelling, or coercing an act

15   of workplace harassment or discrimination, or an act of retaliation against a person for reporting or

16   opposing workplace harassment or discrimination as defined in § 28-51-1;

17   (4) An act of harassment or discrimination, or an act of retaliation against a person for

18   reporting harassment or discrimination, by the owner of a housing accommodation, as described in

1　　chapter 37 of title 34;

2　　　　　(5) An act of harassment or discrimination, or an act of retaliation against a person for

3　　reporting harassment or discrimination, based on employment or housing or racial discrimination;

4　　　　　(6) An act of cyber sexual bullying, as defined in § 16-21-34; or

5　　　　　(7) An act of sexual harassment in an institution of higher education described in chapters

6　　76 and 76.1 of title 16.

7　　　　　(c) A prevailing defendant in any defamation action brought against that defendant for

8　　making a communication in which the defendant prevails upon the affirmative defense provided

9　　pursuant to subsection (a) of this section shall be entitled to their reasonable attorneys' fees and

10　　costs for successfully defending the litigation, plus treble damages for any harm caused to the

11　　defendant by the defamation action in addition to any other relief otherwise permitted by law.

12　　　　　(d) This section shall only apply to an individual that has, or at any time had, a reasonable

13　　basis to file a complaint of sexual assault, harassment, or discrimination, whether the complaint is,

14　　or was, filed or not.

15　　　　　SECTION 2. This act shall take effect upon passage.

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N   A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY --
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1   This act would grant an affirmative defense for certain privileged communications,

2   including communications made by an individual, without malice, regarding an incident of sexual

3   assault, harassment, or discrimination and would specify the attorneys' fees and damages available

4   to a prevailing defendant in any defamation action brought against that defendant for making that

5   communication.

6   This act would take effect upon passage.

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