

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 4 - 0 - 1

Yeas: Bonamici, Dingfelder, Whitsett, Prozanski

Nays: 0

Exc.: Boquist

Prepared By: Anna Braun, Counsel

Meeting Dates: 3/18, 4/7, 4/15

WHAT THE MEASURE DOES: Requires a court to enter a limited judgment if it denies a special motion to strike.

ISSUES DISCUSSED:

- Similarity to California's law
- Liberally versus broadly construe

EFFECT OF COMMITTEE AMENDMENT: Adds that a court must liberally construe the provisions in favor of the exercise of the rights of expression.

BACKGROUND: In 2001, the Legislative Assembly enacted HB 2460, the anti-SLAPP law. SLAPP lawsuits are "Strategic Lawsuits Against Public Participation" and are frivolous lawsuits that are brought to intimidate a defendant's speech in a political dispute. HB 2460 provided a special motion to strike such lawsuits if a defendant could prove it that he or she engaged in protected speech and the plaintiff subsequently fails to show a probability it will prevail on the civil claim. SB 543A requires a court to enter a limited judgment if it denies a special motion to strike to allow a defendant to appeal.