

HCS SB 807 -- CIVIL ACTIONS

SPONSOR: Loudon (Lembke, 85)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 17 to 0.

This substitute grants early consideration of a motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment in any action seeking money damages against a person for conduct or speech made in connection with a public hearing or meeting. All pending discovery will be suspended pending a final decision on the motion. If the right to an early consideration of a motion is used as an affirmative defense and the court grants a motion to dismiss on those grounds, reasonable attorney fees and costs incurred by the moving party will be awarded. If the court finds the motion to dismiss or motion for summary judgment is frivolous, the court will award costs and attorney fees to the prevailing party.

FISCAL NOTE: No impact on state funds in FY 2005, FY 2006, and FY 2007.

PROPONENTS: Supporters say that the bill addresses strategic lawsuits against public participation or "SLAPP" suits and authorizes a special motion to dismiss these lawsuits.

Testifying for the bill was Senator Loudon.

OPPONENTS: There was no opposition voiced to the committee.

Amy Woods, Legislative Analyst