

HB 460 -- Litigation Against Public Participation

Sponsor: Bivins

This bill provides that all conduct, speech, or other petitioning activities made in connection with a public meeting will be immune from civil liability if the conduct is aimed at procuring any government action. Currently, a party sued for this conduct is authorized to file a special motion to dismiss the action. The motion must be granted unless the responding party produces clear and convincing evidence that the moving party is not immunized from liability.

A party who prevails on a special motion may petition the court for actual and punitive damages for abuse of process and malicious prosecution. Expenses of a party initiating legal action based on conduct, speech, or other petitioning activities will qualify as a tax deductible business expense.

The Attorney General is authorized to intervene and assume the costs of defending a suit which appears to be violating a Missouri citizen's speech which is immune from civil liability as provided in the bill.