

HB 163 -- Protection Against Civil Liability

Sponsor: Bivins

Currently, any baseless civil lawsuit filed against an individual exercising a right to petition in a quasi-judicial proceeding before a governmental tribunal is subject to a special motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment that will be considered by the court on an expedited basis. This bill directs the court to grant the motion to dismiss unless the responding party has produced clear and convincing evidence that the acts of the moving party are not immunized from liability. All conduct or speech made at a public meeting has a qualified privilege against liability for slander or libel when it is made to procure any governmental action, result, or outcome. The party who prevails on the special motion is allowed to petition the court for actual and punitive damages for abuse of process and malicious prosecution.

The Attorney General is permitted to intervene and assume the costs of defending a suit which appears to be violating a Missouri citizen's right of free speech that is immune from civil liability.