



House of Representatives

General Assembly

File No. 750

January Session, 2025

Substitute House Bill No. 7134

House of Representatives, April 23, 2025

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ENHANCED PROTECTIONS AVAILABLE UNDER THE STATE'S ANTI-SLAPP STATUTE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-196a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2025*):

3 (a) As used in this section:

4 (1) "Matter of public concern" means an issue related to (A) health or
5 safety, (B) environmental, economic or community well-being, (C) the
6 government, zoning and other regulatory matters, (D) a public official
7 or public figure, or (E) an audiovisual work;

8 (2) "Privileged communication" means communication made by an
9 individual, without malice, concerning an incident of sexual assault, as
10 defined in section 54-240, sexual harassment, as defined in section 46a-
11 60, or discrimination on the basis of sex, as defined in section 46a-51;

12 [(2)] (3) "Right of free speech" means communicating, or conduct

13 furthering communication, in a public forum on a matter of public
14 concern;

15 [(3)] (4) "Right to petition the government" means (A) communication
16 in connection with an issue under consideration or review by a
17 legislative, executive, administrative, judicial or other governmental
18 body, (B) communication that is reasonably likely to encourage
19 consideration or review of a matter of public concern by a legislative,
20 executive, administrative, judicial or other governmental body, or (C)
21 communication that is reasonably likely to enlist public participation in
22 an effort to effect consideration of an issue by a legislative, executive,
23 administrative, judicial or other governmental body;

24 [(4)] (5) "Right of association" means communication among
25 individuals who join together to collectively express, promote, pursue
26 or defend common interests; and

27 [(5)] (6) "Special motion to dismiss" means the motion permitted
28 pursuant to this section.

29 (b) (1) In any civil action in which a party files a complaint,
30 counterclaim or cross claim against an opposing party that is based on
31 the opposing party's exercise of its right of free speech, right to petition
32 the government [,] or right of association under the Constitution of the
33 United States or the Constitution of the state in connection with a matter
34 of public concern, such opposing party may file a special motion to
35 dismiss the complaint, counterclaim or cross claim. (2) In any civil action
36 in which a party files a complaint, counterclaim or cross claim against
37 an opposing party that is based on the opposing party's privileged
38 communication, such opposing party may file a special motion to
39 dismiss the complaint, counterclaim or cross claim. The provisions of
40 subdivision (2) of this subsection shall apply to an opposing party who
41 has, or at any time had, a reasonable basis to file a complaint concerning
42 an incident of sexual assault, sexual harassment or discrimination on the
43 basis of sex, irrespective of whether the complaint was filed or not.

44 (c) Any party filing a special motion to dismiss shall file such motion

45 not later than thirty days after the return date of the complaint, or the
46 filing of a counterclaim or cross claim described in subsection (b) of this
47 section. The court, upon a showing of good cause by a party seeking to
48 file a special motion to dismiss, may extend the time to file a special
49 motion to dismiss.

50 (d) The court shall stay all discovery upon the filing of a special
51 motion to dismiss. The stay of discovery shall remain in effect until the
52 court grants or denies the special motion to dismiss and any
53 interlocutory appeal thereof. Notwithstanding the entry of an order to
54 stay discovery, the court, upon motion of a party and a showing of good
55 cause, or upon its own motion, may order specified and limited
56 discovery relevant to the special motion to dismiss.

57 (e) (1) The court shall conduct an expedited hearing on a special
58 motion to dismiss. The expedited hearing shall be held not later than
59 sixty days after the date of filing of such special motion to dismiss,
60 unless, (A) the court orders specified and limited discovery pursuant to
61 subsection (d) of this section, in which case, the expedited hearing shall
62 be held not later than sixty days after the date on which such specified
63 and limited discovery must be completed, (B) the parties agree to a
64 hearing date that is beyond the sixty-day period, or (C) the court, for
65 good cause shown, is unable to schedule the hearing during the sixty-
66 day period.

67 (2) When ruling on a special motion to dismiss, the court shall
68 consider pleadings and supporting and opposing affidavits of the
69 parties attesting to the facts upon which liability or a defense, as the case
70 may be, is based.

71 (3) The court shall grant a special motion to dismiss if the moving
72 party makes an initial showing, by a preponderance of the evidence, that
73 the opposing party's complaint, counterclaim or cross claim is based on
74 the moving party's exercise of its right of free speech, right to petition
75 the government, or right of association under the Constitution of the
76 United States or the Constitution of the state in connection with a matter
77 of public concern or the moving party's privileged communication,

78 unless the party that brought the complaint, counterclaim or cross claim
79 sets forth with particularity the circumstances giving rise to the
80 complaint, counterclaim or cross claim and demonstrates to the court
81 that there is probable cause, considering all valid defenses, that the party
82 will prevail on the merits of the complaint, counterclaim or cross claim.

83 (4) The court shall rule on a special motion to dismiss as soon as
84 practicable.

85 (f) (1) If the court grants a special motion to dismiss under this
86 section, the court shall award the moving party costs and reasonable
87 attorney's fees, including such costs and fees incurred in connection
88 with the filing of the special motion to dismiss.

89 (2) If the court denies a special motion to dismiss under this section
90 and finds that such special motion to dismiss is frivolous and solely
91 intended to cause unnecessary delay, the court shall award costs and
92 reasonable attorney's fees to the party opposing such special motion to
93 dismiss.

94 (g) The findings or determinations made pursuant to subsections (e)
95 and (f) of this section shall not be admitted into evidence at any later
96 stage of the proceeding or in any subsequent action.

97 (h) The provisions of this section shall not: (1) Apply to an
98 enforcement action that is brought in the name of the state or a political
99 subdivision of the state by the Attorney General; (2) affect or limit the
100 authority of a court to award sanctions, costs, attorney's fees or any
101 other relief available under any statute, court rule or other authority; (3)
102 affect, limit or preclude the right of a party filing a special motion to
103 dismiss to any defense, remedy, immunity or privilege otherwise
104 authorized by law; (4) affect the substantive law governing any asserted
105 claim; (5) create a private right of action; or (6) apply to a common law
106 or statutory claim for bodily injury or wrongful death, except the
107 exclusion provided in this subdivision shall not apply to claims for (A)
108 emotional distress unrelated to bodily injury or wrongful death or
109 conjoined with a cause of action other than for bodily injury or wrongful

110 death, or (B) defamation, libel or slander. The provisions of this
111 subdivision shall not prohibit a plaintiff who brings a claim for bodily
112 injury or wrongful death from filing a special motion to dismiss a
113 counterclaim under the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2025	52-196a
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Statement of Legislative Commissioners:

In Subsection (e)(3) "or the moving party's privileged communication" was added after "public concern" for internal consistency.

JUD *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill broadens the applicability of the state's anti-SLAPP statute, which is not anticipated to result in a fiscal impact to the state or to municipalities.

The court system disposes of over 250,000 cases annually and the number of cases affected by this bill is not anticipated to be great enough to have a material impact on court operations.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 7134*****AN ACT CONCERNING ENHANCED PROTECTIONS AVAILABLE UNDER THE STATE'S ANTI-SLAPP STATUTE.*****SUMMARY**

This bill broadens the applicability of the state's law allowing a party in a civil action to file a special motion to dismiss a complaint, counterclaim, or cross claim that is based on certain free speech, petition, or association rights (known as the anti-SLAPP statute).

Specifically, the bill extends the statute to include complaints, counterclaims, or cross claims based on communication made without malice about certain incidents of sexual assault, sexual harassment, or sex discrimination ("privileged communication"). It applies to circumstances where an individual has or had, at any time, a reasonable basis to file a complaint about the incident, regardless of whether they did so. Existing law, unchanged by the bill, specifies that it does not apply to things like government enforcement actions or certain claims for bodily injury or wrongful death.

Under this law, a party filing a special motion to dismiss must generally do so within 30 days after the complaint was returned or the counterclaim or cross claim was filed. The court must then stay discovery, unless there is a specified or limited need for it, and have an expedited hearing on the special motion.

The law requires the court to rule on the motion as soon as practical. It must grant a motion if the moving party makes an initial showing by a preponderance of the evidence that the opposing party's complaint, counterclaim, or cross claim is based on the moving party's communication or actions and the opposing party does not show that there is probable cause of prevailing on the merits of the complaint or claim. The court must award costs and attorney's fees to the (1) moving party if it grants the motion and (2) opposing party if it denies the

motion and finds it frivolous and used to cause unnecessary delay.

EFFECTIVE DATE: October 1, 2025

PRIVILEGED COMMUNICATION

Under the bill, privileged communication concerns incidents of sexual assault, sexual harassment, or sex discrimination, as those terms are defined in state law.

The sexual assault crimes applicable to the bill generally involve (1) compelling another person to engage in sexual intercourse or contact by force, fear, or without consent or (2) subjecting another person to sexual contact and the parties are minors of certain ages or have some professional relationship (e.g., therapist/patient, school employee/student). It also covers the more severe associated criminal classes and penalties based on things such as the age of the victim, death of the victim, use of weapons, committing other crimes to commit the offense, or help by additional individuals (CGS § 54-240).

Sexual harassment is any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to the conduct is either explicitly or implicitly a condition of employment; (2) submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual; or (3) the conduct substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment (CGS § 46a-60).

Discrimination on the basis of sex includes, but is not limited to, discrimination related to pregnancy, child-bearing capacity, sterilization, fertility, or related medical conditions (CGS § 46a-51).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 35 Nay 6 (04/04/2025)