



General Assembly

January Session, 2025

Raised Bill No. 7134

LCO No. 5630



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***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 Section 52-196a of the general statutes is repealed and the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, unless the party that brought the complaint,
78 counterclaim or cross claim sets forth with particularity the
79 circumstances giving rise to the complaint, counterclaim or cross claim
80 and demonstrates to the court that there is probable cause, considering
81 all valid defenses, that the party will prevail on the merits of the
82 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	<i>October 1, 2025</i>	52-196a
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Statement of Purpose:

To extend protections available under section 52-196a of the general statutes to privileged communications made in connection with incidents of sexual assault, sexual harassment and discrimination on the basis of sex.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]