



General Assembly

Amendment

January Session, 2025

LCO No. 9132



Offered by:

REP. STAFSTROM, 129th Dist.

REP. FISHBEIN, 90th Dist.

REP. GILCHREST, 18th Dist.

To: Subst. House Bill No. **7134**

File No. 750

Cal. No. 468

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 52-196a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2025, and*
5 *applicable to any civil action filed on or after said date*):

6 (a) As used in this section:

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

11 (2) "Right of free speech" means (A) communicating, or conduct
12 furthering communication, in a public forum on a matter of public

13 concern, (B) written communication made by an individual, without
14 actual malice, concerning the alleged commission of a crime, or (C)
15 written communication, made by an individual without actual malice,
16 concerning a discriminatory practice as defined in section 46a-51;

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

26 (4) "Right of association" means communication among individuals
27 who join together to collectively express, promote, pursue or defend
28 common interests; and

29 (5) "Special motion to dismiss" means the motion permitted pursuant
30 to this section.

31 (b) In any civil action in which a party files a complaint, counterclaim
32 or cross claim against an opposing party that is based on the opposing
33 party's exercise of its right of free speech, right to petition the
34 government, or right of association under the Constitution of the United
35 States or the Constitution of the state in connection with a matter of
36 public concern, such opposing party may file a special motion to dismiss
37 the complaint, counterclaim or cross claim.

38 (c) Any party filing a special motion to dismiss shall file such motion
39 not later than thirty days after the return date of the complaint, or the
40 filing of a counterclaim or cross claim described in subsection (b) of this
41 section. The court, upon a showing of good cause by a party seeking to
42 file a special motion to dismiss, may extend the time to file a special
43 motion to dismiss.

44 (d) The court shall stay all discovery upon the filing of a special
45 motion to dismiss. The stay of discovery shall remain in effect until the
46 court grants or denies the special motion to dismiss and any
47 interlocutory appeal thereof. Notwithstanding the entry of an order to
48 stay discovery, the court, upon motion of a party and a showing of good
49 cause, or upon its own motion, may order specified and limited
50 discovery relevant to the special motion to dismiss.

51 (e) (1) The court shall conduct an expedited hearing on a special
52 motion to dismiss. The expedited hearing shall be held not later than
53 sixty days after the date of filing of such special motion to dismiss,
54 unless, (A) the court orders specified and limited discovery pursuant to
55 subsection (d) of this section, in which case, the expedited hearing shall
56 be held not later than sixty days after the date on which such specified
57 and limited discovery must be completed, (B) the parties agree to a
58 hearing date that is beyond the sixty-day period, [or] (C) the court, for
59 good cause shown, is unable to schedule the hearing during the sixty-
60 day period, or (D) the written communication specified in subdivision
61 (2) or (3) of subsection (a) of this section relates to a pending criminal
62 proceeding or a discriminatory practice complaint pending with the
63 Commission on Human Rights, or the Superior Court if jurisdiction of
64 the discriminatory practice complaint has been released by said
65 commission pursuant to section 46a-100. In the event that a proceeding
66 described in this subparagraph is pending, the expedited hearing shall
67 be held not later than sixty days after the date on which such proceeding
68 is concluded.

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

73 (3) The court shall grant a special motion to dismiss if the moving
74 party makes an initial showing, by a preponderance of the evidence, that
75 the opposing party's complaint, counterclaim or cross claim is based on
76 the moving party's exercise of its right of free speech, right to petition

77 the government, or right of association under the Constitution of the
78 United States or the Constitution of the state in connection with a matter
79 of public concern, unless the party that brought the complaint,
80 counterclaim or cross claim sets forth with particularity the
81 circumstances giving rise to the complaint, counterclaim or cross claim
82 and demonstrates to the court that there is probable cause, considering
83 all valid defenses, that the party will prevail on the merits of the
84 complaint, counterclaim or cross claim.

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

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

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

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

99 (h) The provisions of this section shall not: (1) Apply to an
100 enforcement action that is brought in the name of the state or a political
101 subdivision of the state by the Attorney General; (2) affect or limit the
102 authority of a court to award sanctions, costs, attorney's fees or any
103 other relief available under any statute, court rule or other authority; (3)
104 affect, limit or preclude the right of a party filing a special motion to
105 dismiss to any defense, remedy, immunity or privilege otherwise
106 authorized by law; (4) affect the substantive law governing any asserted
107 claim; (5) create a private right of action; or (6) apply to a common law

108 or statutory claim for bodily injury or wrongful death, except the
109 exclusion provided in this subdivision shall not apply to claims for (A)
110 emotional distress unrelated to bodily injury or wrongful death or
111 conjoined with a cause of action other than for bodily injury or wrongful
112 death, or (B) defamation, libel or slander. The provisions of this
113 subdivision shall not prohibit a plaintiff who brings a claim for bodily
114 injury or wrongful death from filing a special motion to dismiss a
115 counterclaim under the provisions of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2025, and applicable to any civil action filed on or after said date</i>	52-196a