
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)