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## OLR Bill Analysis

**sHB 7134 (as amended by House "A")\***

### ***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).

The bill does this by expanding the "right to free speech" for purposes of the law to include written communication made without malice about (1) the alleged commission of a crime or (2) a discriminatory practice under the state's human rights and opportunities laws (CGS § 46a-51). Existing law, unchanged by the bill, exempts from the procedure things like government enforcement actions or certain claims for bodily injury or wrongful death.

Under this law, a party filing the special motion to dismiss must generally do so within 30 days after the return of the complaint or the filing of the counterclaim or cross claim. 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 generally requires the hearing to be held within 60 days after the special motion is filed. A hearing may occur later if the parties agree to it, the court is unable to schedule a hearing within the 60-day period, or the court orders specified and limited discovery. The bill also allows the hearing to occur outside of this window if the written communication that is the subject of the complaint or claim concerns a pending criminal proceeding or complaint before the Commission of Human Rights or Opportunities (CHRO) (or the Superior Court if CHRO released the complaint from its jurisdiction). In this case, the

hearing must occur within 60 days after the proceeding ends.

Under the law, the court must then 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.

\*House Amendment "A" (1) replaces the underlying bill, which limited the law's expansion to communication about certain incidents of sexual assault, sexual harassment, or sex discrimination, and (2) adds the provision staying the hearing until after the conclusion of a pending related proceeding.

EFFECTIVE DATE: October 1, 2025, and applicable to civil actions filed on or after that date.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 35      Nay 6      (04/04/2025)