



House of Representatives

File No. 977

General Assembly

January Session, 2025

(Reprint of File No. 750)

Substitute House Bill No. 7134
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 29, 2025

***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 Section 52-196a of the general statutes is repealed and the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, and*
3 *applicable to any civil action filed on or after said date*):

4 (a) As used in this section:

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

9 (2) "Right of free speech" means (A) communicating, or conduct
10 furthering communication, in a public forum on a matter of public
11 concern, (B) written communication made by an individual, without
12 actual malice, concerning the alleged commission of a crime, or (C)

13 written communication, made by an individual without actual malice,
14 concerning a discriminatory practice as defined in section 46a-51;

15 (3) "Right to petition the government" means (A) communication in
16 connection with an issue under consideration or review by a legislative,
17 executive, administrative, judicial or other governmental body, (B)
18 communication that is reasonably likely to encourage consideration or
19 review of a matter of public concern by a legislative, executive,
20 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) "Right of association" means communication among individuals
25 who join together to collectively express, promote, pursue or defend
26 common interests; and

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

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

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

42 (d) The court shall stay all discovery upon the filing of a special
43 motion to dismiss. The stay of discovery shall remain in effect until the

44 court grants or denies the special motion to dismiss and any
45 interlocutory appeal thereof. Notwithstanding the entry of an order to
46 stay discovery, the court, upon motion of a party and a showing of good
47 cause, or upon its own motion, may order specified and limited
48 discovery relevant to the special motion to dismiss.

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

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:		
Section 1	<i>October 1, 2025, and applicable to any civil action filed on or after said date</i>	52-196a

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.

House "A" makes various changes to the bill resulting in the impact described above.

The Out Years

State Impact: None

Municipal Impact: None

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)