



## || SENATE OF PENNSYLVANIA BILL SUMMARY

### Senate Bill 95 Printer's No. 654

Prime Sponsor: Senator Farnese  
Committee: Judiciary

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#### **SYNOPSIS:**

This bill amends Title 42 (Judiciary and Judicial Procedure) to protect certain speech from retaliatory legal actions.

#### **SUMMARY:**

This bill provides immunity from any civil action for claims based on protected speech. If a legal action is instituted based on protected speech, the defendant whose speech is at issue may under this legislation file a motion to dismiss the complaint. This bill requires that a hearing on the motion to dismiss be held within 30 days after the motion is filed. The bill requires that discovery be stayed pending the resolution of the motion to dismiss.

If the court determines that the claim is based on a protected communication, then the moving party is entitled to recover attorney fees and costs from any party who filed the action. The damages awarded to the moving party shall be a minimum of \$10,000. If the court determines that the motion to dismiss is frivolous or intended solely to cause unnecessary delay, the court shall award costs and attorney fees to the nonmoving party.

"Protected communication" is defined as "[a]ny good faith communication in furtherance of a right to petition or a right to free speech, which right is exercised in connection with an issue of public concern." The protected communication must relate to an issue that is under, or could come under, review by any branch of government, or to efforts to enlist public support for such an issue.

Effective Date: This bill is effective in sixty days.

#### **BILL HISTORY:**

There is no bill history during this legislative session.

Prepared by: Patrick Cawley 4/29/2015