



|| SENATE OF PENNSYLVANIA
BILL SUMMARY

Senate Bill 95
Printer's No. 315

Prime Sponsor: Senator Farnese
Committee: Judiciary

SYNOPSIS:

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

SUMMARY:

This bill targets lawsuits filed with sole purpose to intimidate or impede another who has made constitutionally protected communications. The bill provides immunity from any civil action for claims based on the defendant's constitutionally protected speech. If a legal action is instituted based on constitutionally 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.

The court shall dismiss an action if it determines, based on the pleadings or other evidence submitted by the parties, that the claim is based on a constitutionally protected communication and the party opposing the motion has not clearly demonstrated that it will prevail on portions of the complaint that are not based in any way on protected communications.

If the court determines that the claim is based in whole or in part on a constitutionally 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.

"Constitutionally 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 or social significance" under delineated circumstances involving matters under consideration by a governmental body.

"Moving party who prevails" is defined as "[a] party who files a motion to dismiss under this section if, after the filing, the party against whom the motion is filed withdraws either the entire action or any part of the complaint pertaining to a protected communication."

Effective Date: This bill is effective in sixty days.

BILL HISTORY:

There is no bill history during this legislative session.

Prepared by: Cawley 3/17/2017