

Comparison of HB 2054 with 15rs1601
For Committee on Judiciary
Prepared By: Katherine Goyette, Office of Revisor of Statutes
March 17, 2015 22:18

HB 2054	15rs1601 (Proposed Substitute for HB 2054)
Name of act (Public speech protection act)	Same
N/A	Purpose statement in subsection (b)
Definitions section: Subsection (a) 1. "Expression" is defined. 2. N/A (does not define any of these terms). 3. Defines "government". 4. N/A 5. Defines "moving party". 6. N/A	Definitions section: Subsection (c) 1. "Communication" definition in lieu of an "expression" definition. Definitions differ. 2. Defines "exercise of the right of association", "exercise of the right of free speech", "exercise of the right to petition". 3. Defines "government proceeding" instead of "government" 4. Defines "matter of public concern". 5. Same definition. 6. Defines "official proceeding" and "public servant".
1. Subsections (c) and (d): Act applies to all claims based on an action involving public participation and petition. Any party asserting a claim in a civil action would have to include in the pleadings a written verification under oath. 2. Subsection (f): A party may bring a motion to strike a civil claim based on public participation and petition. Such party has the burden of making a prima facie showing that the claim is based on an action involving public participation and petition. 3. Subsection (f): If the responding party meets this burden, the court is to deny the motion. 4. Subsection (f): Court to consider pleadings, supporting and opposing affidavits upon which liability or defense is based. 5. Subsection (f): If court determines the responding party established a	1. N/A (no verification required) 2. SIMILAR LANGUAGE: Subsection (d) allows a party to bring a motion to strike a claim if it is based on, relates to or is in response to a party's exercise of the right of free speech, to petition or association. Such party would have to meet the burden of making a prima facie case showing that the claim concerns a party's exercise of right to free speech, petition or association. If the party meets the burden, it shifts to the responding party. 3. Same. 4. Same. 5. Same.

likelihood of prevailing on the claim, the fact that the court made the determination may not later be admitted into evidence; and such determination is not to affect the burden or standard of proof in the proceeding. 6. Subsection (g): Motion to strike may be filed within 60 days of the service of the most recent complaint or, in the court's discretion, at any later time. Hearing shall be held on the motion not more than 30 days after service of the motion 7. Subsection (h): All discovery, motions, etc. shall be stayed upon the filing of a motion to strike. The court, on good cause shown, may order that specified discovery, motions or other pending hearings be conducted. 8. Subsection (i): Movant in a motion has certain rights. 9. Subsection (j): Same. Court is also to award additional relief, including punitive damages and other sanctions. 10. N/A 11. Subsection (k): Same. 12. Subsection (l): Same	6. Subsection (d): Same. 7. Subsection (e)(1): (Similar) On motion by a party or the court, and a showing of good cause, the court may allowed specified and limited discovery relevant to the motion. 8. Subsection (f): Same, except notice of appeal has to have been filed within 14 days after entry of the order, and any further proceedings in the trial court are to be stayed pending determination of the appeal. 9. Subsection (g): Court is to award the defending party costs and reasonable attorney fees, and additional relief, as determined necessary by the court. 10. Subsection (h): Section is not to apply to certain types of actions and claims. 11. Subsection (i): Addresses cases filed by governmental contractors. 12. Subsection (j): Application of act to be applied construed liberally; if any provision held to be invalid, would not affect other provisions or applications.
--	--