

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 472 (Formerly HSB 116)	House Committee:	PASSED on February 18 (21-0)
Committee:	Judiciary	House Floor:	
Floor Manager:	Rep. Holt	Senate Floor:	
Date:	March 11, 2025	Governor:	
Staff:	Amanda Wille (1-5230)		

Freedom of Speech and the Press-Special Motion for Relief

- HF 472 creates the Uniform Public Expression Protection Act and creates a special motion for expedited relief in actions involving the strategic lawsuits against public participation "SLAPP".
- According to the Uniform Law Commission, these "SLAPP" lawsuits are used to silence and intimidate the defendant from engaging in constitutionally protected activities. HF 472 prevents these abusive lawsuits by setting up a system for review and dismissal.
- The bill was created by the Uniform Code Commission.

Section by Section Analysis

Section 1 – Title (652.1)

Creates the Uniform Public Expression Protection Act

Section 2 –Scope (652.2)

The act applies to lawsuits against people for their speech or actions related to government proceedings or public issues.

It does not apply to:

Lawsuits against government entities or their employees acting in their official roles.

Actions taken by government employees to protect public health or safety.

Lawsuits against businesses related to their sales or services.

Section 3- Special Motion for Expedited Relief (652.3)

This allows a person who is being sued to quickly ask the court to dismiss the lawsuit if it relates to their free speech or public expression. The person has up to 60 days after being served with the lawsuit to file this special request.

Section 4- Stay (652.4)

When someone files the special motion for expedited relief:

1. Automatic Pause: When the motion is filed, all other legal activities related to the case are put on hold.
2. Limited Discovery: If the person who filed the motion needs specific information to support their case, the court can allow limited evidence gathering

3. Exceptions:

- The pause does not stop the court from handling other unrelated motions or requests.
- It also doesn't affect a party's ability to drop the lawsuit or separate parts of the lawsuit.

Section 5- Hearing (652.5)

Hearing Requirement: The court must hold a hearing to discuss the motion within 60 days after it is filed.

Possible Delays: If the court needs more time, with good cause, they can schedule the hearing for a later date.

Section 6- Proof (652.6)

The court will review several things, including:

The written documents (pleadings) from both sides.

The motion itself and any responses to it.

Any evidence that could be used in a summary judgment.

Section 7-Dismissal of Cause of Action in Whole or in Part (652.7)

Allows dismissal of the action in whole or in part.

Section 8- Ruling (652.8)

The court is required to issue a ruling within 60 days.

Section 9-Appeal (652.9)

An appeal must be filed within 30 days.

Section 10- Costs, Attorney Fees, and Expenses (652.10)

Winning Party: If the person who filed the special motion wins, the court will award them court costs, reasonable attorney fees, and other related expenses.

Losing Party: If the other party wins the motion, and the court finds that the motion was frivolous, then the court can award costs and fees to them instead.

Section 11- Construction (652.11)

Chapter shall be broadly construed and applied to protect the right of freedom of speech, the press, right to assemble and petition the government, and the right of association.

Section 12-Uniformity of Application and Construction (652.12)

Consideration shall be given to the need to promote uniformity of the law.

Section 13-Transitional Provision (652.13)

Applies to all actions filed on or after the effective date.

Amendment Analysis