

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE HOUSE BILL 2699**

57th Legislature  
2002 Regular Session

Passed by the House March 11, 2002  
Yeas 94 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate March 5, 2002  
Yeas 47 Nays 0

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**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2699** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2699**

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AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

**State of Washington                      57th Legislature                      2002 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Lantz, Ahern, Benson, Crouse, Morell, Miloscia, Schindler, Dunshee and Esser)

Read first time 02/07/2002. Referred to Committee on .

1            AN ACT Relating to communications with government branches or  
2 agencies and self-regulatory organizations; amending RCW 4.24.510; and  
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.        **Sec. 1.**        Strategic lawsuits against public  
6 participation, or SLAPP suits, involve communications made to influence  
7 a government action or outcome which results in a civil complaint or  
8 counterclaim filed against individuals or organizations on a  
9 substantive issue of some public interest or social significance.  
10 SLAPP suits are designed to intimidate the exercise of First Amendment  
11 rights and rights under Article I, section 5 of the Washington state  
12 Constitution.

13            Although Washington state adopted the first modern anti-SLAPP law  
14 in 1989, that law has, in practice, failed to set forth clear rules for  
15 early dismissal review. Since that time, the United States supreme  
16 court has made it clear that, as long as the petitioning is aimed at  
17 procuring favorable government action, result, product, or outcome, it  
18 is protected and the case should be dismissed. This bill amends  
19 Washington law to bring it in line with these court decisions which

1 recognizes that the United States Constitution protects advocacy to  
2 government, regardless of content or motive, so long as it is designed  
3 to have some effect on government decision making.

4 **Sec. 2.** RCW 4.24.510 and 1999 c 54 s 1 are each amended to read as  
5 follows:

6 A person who (~~in good faith~~) communicates a complaint or  
7 information to any branch or agency of federal, state, or local  
8 government, or to any self-regulatory organization that regulates  
9 persons involved in the securities or futures business and that has  
10 been delegated authority by a federal, state, or local government  
11 agency and is subject to oversight by the delegating agency, is immune  
12 from civil liability for claims based upon the communication to the  
13 agency or organization regarding any matter reasonably of concern to  
14 that agency or organization. A person prevailing upon the defense  
15 provided for in this section (~~shall be~~) is entitled to recover  
16 (~~costs~~) expenses and reasonable attorneys' fees incurred in  
17 establishing the defense and in addition shall receive statutory  
18 damages of ten thousand dollars. Statutory damages may be denied if  
19 the court finds that the complaint or information was communicated in  
20 bad faith.

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