

2 **SHB 2699** - S COMM AMD
3 By Committee on Judiciary

4 ADOPTED 03/05/02

5 Strike everything after the enacting clause and insert the
6 following:

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

15 Although Washington state adopted the first modern anti-SLAPP law
16 in 1989, that law has, in practice, failed to set forth clear rules for
17 early dismissal review. Since that time, the United States supreme
18 court has made it clear that, as long as the petitioning is aimed at
19 procuring favorable government action, result, product, or outcome, it
20 is protected and the case should be dismissed. This bill amends
21 Washington law to bring it in line with these court decisions which
22 recognizes that the United States Constitution protects advocacy to
23 government, regardless of content or motive, so long as it is designed
24 to have some effect on government decision making.

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

27 A person who (~~in good faith~~) communicates a complaint or
28 information to any branch or agency of federal, state, or local
29 government, or to any self-regulatory organization that regulates
30 persons involved in the securities or futures business and that has
31 been delegated authority by a federal, state, or local government
32 agency and is subject to oversight by the delegating agency, is immune
33 from civil liability for claims based upon the communication to the
34 agency or organization regarding any matter reasonably of concern to
35 that agency or organization. A person prevailing upon the defense

1 provided for in this section (~~shall be~~) is entitled to recover
2 (~~costs~~) expenses and reasonable attorneys' fees incurred in
3 establishing the defense and in addition shall receive statutory
4 damages of ten thousand dollars. Statutory damages may be denied if
5 the court finds that the complaint or information was communicated in
6 bad faith."

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10 On page 1, line 2 of the title, after "organizations;" strike the
11 remainder of the title and insert "amending RCW 4.24.510; and creating
12 a new section."

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