

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2699

Chapter 232, Laws of 2002

57th Legislature
2002 Regular Session

COMMUNICATIONS WITH GOVERNMENT AGENCIES--IMMUNITY

EFFECTIVE DATE: 6/13/02

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

FRANK CHOPP
Speaker of the House of Representatives

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

BRAD OWEN
President of the Senate

Approved March 28, 2002

GARY LOCKE
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.

CYNTHIA ZEHNDER

Chief Clerk

FILED

March 28, 2002 - 9:05 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2699

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.

Passed the House March 11, 2002.

Passed the Senate March 5, 2002.

Approved by the Governor March 28, 2002.

Filed in Office of Secretary of State March 28, 2002.