

Anti-SLAPP Laws

Key: Y- Yes N- No ?-Unclear or has not been addressed

- **Any Forum:** Speech made in any forum is protected. Not restricted to speech made before a governmental body.
- **Any Public Issue:** Protection granted for speech made in connection with any issue of public interest or concern. Not restricted to issues under consideration by a governmental body or speech aimed at procuring government action in favor of the speaker.
- **Mandatory Attorney Fees/Costs:** Award of costs and attorney fees is mandatory for successful anti-SLAPP defendants
- **Additional Burden:** Statute or case law requires overcoming additional burdens, such as the SLAPP suit being brought in “bad faith,” or that the speech was without knowledge or reckless disregard for its falsity.
- **Amendment After Grant:** Pleadings may be amended after an anti-SLAPP motion is granted.
- **Amendment While Pending:** Pleadings may be amended while an anti-SLAPP motion is pending.
- **Immediate Appeal:** Anti-SLAPP motions are immediately appealable after denial.

Jurisdiction	Statute or Case Law?	Any Forum?	Any Public Issue?	Mandatory Attorney Fees/Costs?	Additional Burden?	Amendment After Grant?	Amendment While Pending?	Immediate Appeal?
Alabama	N/A							
Alaska	N/A							
Arizona	Ariz. Rev. Stat. Ann. 12-751 (2011)	Y		Y		?	?	?
Arkansas	Ark. Code. Ann. 16-63-501-8 (2010)	Y		Y	Y	?	?	?
California	Cal. Civ. Proc. Code 425.16	Y	Y	Y		Y/N ¹	N	Y
Colorado	Case Law Only ²	Y				?	?	?
Connecticut	Public Act No. 17-71	Y	Y	Y				

¹ In state courts, claims may not be amended if an anti-SLAPP motion is pending or has been granted. In federal courts, leave to amend may be granted.

² Leading Case: Protect Our Mountain Environment, Inc. v. District Court of County of Jefferson, 677 P.2d 1361 (Colo. 1984).

SMRH-478648992.1

-1-

Jurisdiction	Statute or Case Law?	Any Forum?	Any Public Issue?	Mandatory Attorney Fees/Costs?	Additional Burden?	Amendment After Grant?	Amendment While Pending?	Immediate Appeal?
Delaware	Del. Code. Ann. tit. 10 section 8136 (2011)	Y				Y	Y	?
D.C.	D.C. Law 16-5501 ³	Y	Y	Y ⁴		N	?	Y
Florida	Fla. Stat. 768.295 (2011)	Y ⁵		Y		?	?	?
Georgia	Ga. Code. Ann. 9-11-11.1	Y		Y		?	Y	Y
Hawaii	Haw. Rev. Stat. 634F-1 to 634F-4 (2011)			Y		?	Y	Y
Idaho	N/A							
Illinois	735 Ill. Comp. Stat. 110/15 (2011)	Y	Y	Y		?	?	Y
Indiana	Ind. Code. 34-7-7-1 to 10 (2011)	Y	Y	Y	Y	?	?	?
Iowa	N/A							
Kansas	Public Speech Protection Act (HB 2054) passed March 2016. Added by SB 319, § 1	Y	Y	Y		?	?	Y
Kentucky	N/A							
Louisiana	La. Code. Civ. Proc. Ann. art 971 (2010)	Y	Y	Y		?	N	Y
Maine	Me. Rev. Stat. tit. 14 section 556 (2011)	Y	Y			?	?	Y

³ The D.C. Circuit has held, in *Abbas v. Foreign Policy Group*, 783 F.3d 1328 (D.C. Cir. 2015), that the DC anti-SLAPP statute conflicts with the Federal Rules of Civil Procedure and could not be applied in federal court in a diversity case.

⁴ In *Doe v. Burke*, 133 A.3d 569, 576 (D.C. 2016), the court held that a successful SLAPP movant is presumptively entitled to recover attorney’s fees, without any additional showing of frivolousness or wrongful motivation.

⁵ “Free speech in connection with public issues” means any written or oral statement that is protected under applicable law and is made before a governmental entity in connection with an issue under consideration or review by a governmental entity, or is made in or in connection with a play, movie, television program, radio broadcast, audiovisual work, book, magazine article, musical work, news report, or other similar work.

SMRH-478648992.1

-2-

Jurisdiction	Statute or Case Law?	Any Forum?	Any Public Issue?	Mandatory Attorney Fees/Costs?	Additional Burden?	Amendment After Grant?	Amendment While Pending?	Immediate Appeal?
Maryland	Md. Code Ann., Cts. & Jud. Proc. 5-807 (2011)	Y	Y		Y	?	Y	?
Massachusetts	Mass. Gen. Laws ch. 231 section 59H (2011)	Y		Y		?	Y ⁶	Y
Michigan	N/A							
Minnesota	Minn. Stat. section 554.01 - .05 (1994)	Y		Y		?	?	Y
Mississippi	N/A							
Missouri	Mo. Rev. Stat. section 537.528 (2004)			Y		?	?	N
Montana	N/A							
Nebraska	Neb. Rev. Stat. section 25-21, 243 -6	Y				?	?	?
Nevada	Nev. Rev. Stat. section 41.635-670 (1993)	Y		Y	Y	?	?	N
New Hampshire	N/A							
New Jersey	N/A							
New Mexico	N.M. Stat. section 38-2-9.1 -2 (2001)			Y		?	?	?
New York	N.Y. CLS Civ. R. § 70-a & 76-a (2008); NY CLS CPLR R 3211	Y				?	Y	?
North Carolina	N/A							
North Dakota	N/A							
Ohio	N/A							

⁶ Yes, a pleading can be amended while an anti-SLAPP motion is pending, but denying leave to amend is proper "when the proposed claim will not withstand a motion to dismiss, thus rendering amendment futile."

SMRH-478648992.1

-3-

Jurisdiction	Statute or Case Law?	Any Forum?	Any Public Issue?	Mandatory Attorney Fees/Costs?	Additional Burden?	Amendment After Grant?	Amendment While Pending?	Immediate Appeal?
Oklahoma	2013 OK. HB 2366, the Oklahoma Citizens Participation Act (2014)					?	?	?
Oregon	Or. Rev. Stat. section 31.150 et seq (2001)	Y	Y	Y		Y	?	?
Pennsylvania	27 Pa. Cons. Stat. section 7707 and section 8301-3 (2000)	Y		Y	Y	?	?	Y
Rhode Island	R.I. Gen. Laws section 9-33-1 – 9-33-4 (1995)	Y	Y	Y		?	Y	?
South Carolina	N/A							
South Dakota	N/A							
Tennessee	Tenn. Code. Ann. section 4-21-1001 – 21-1004 (1997)			Y	Y	?	?	?
Texas	Tex. Civ. Prac. & Rem. Code section 27.002-9	Y	Y	Y		?	Y	Y
Utah	Utah Code Ann. section 78B-6-1401 – 5(2001)	Y				?	?	Y
Vermont	12 VSA section 1041	Y	Y	Y		?	? ⁷	Y
Virginia	Section .01 Code of VA: § 8.01-223.2.		?	Y				
Washington	RCW 4.24.510 ⁸			Y		?	?	?
West Virginia	Case Law Only ⁹							
Wisconsin	N/A							

⁷ Undecided, but amendment may not be used to avoid responsibility for costs and fees incurred in making a justified anti-SLAPP motion.

⁸ Washington Supreme Court struck down a stronger anti-SLAPP statute, RCW 4.24.525, in 2015 as invalid on its face for violating the state constitutional's right to a jury trial. The previous law remains intact.

⁹ Leading Case: Harris v. Adkins, 432 S.E.2d 549 (W. Va. 1993).

SMRH-478648992.1

-4-

Jurisdiction	Statute or Case Law?	Any Forum?	Any Public Issue?	Mandatory Attorney Fees/Costs?	Additional Burden?	Amendment After Grant?	Amendment While Pending?	Immediate Appeal?
Wyoming	N/A							