

## STATE ANTI-SLAPP LAWS

Much of PPP's work focuses on state anti-SLAPP legislation. PPP works with state-based organizations and activists, as well as state legislators, to build support for anti-SLAPP legislation, strengthen existing anti-SLAPP laws, and protect those laws from being gutted.

Scroll or click below for two useful tools for those seeking more information about their state anti-SLAPP laws:

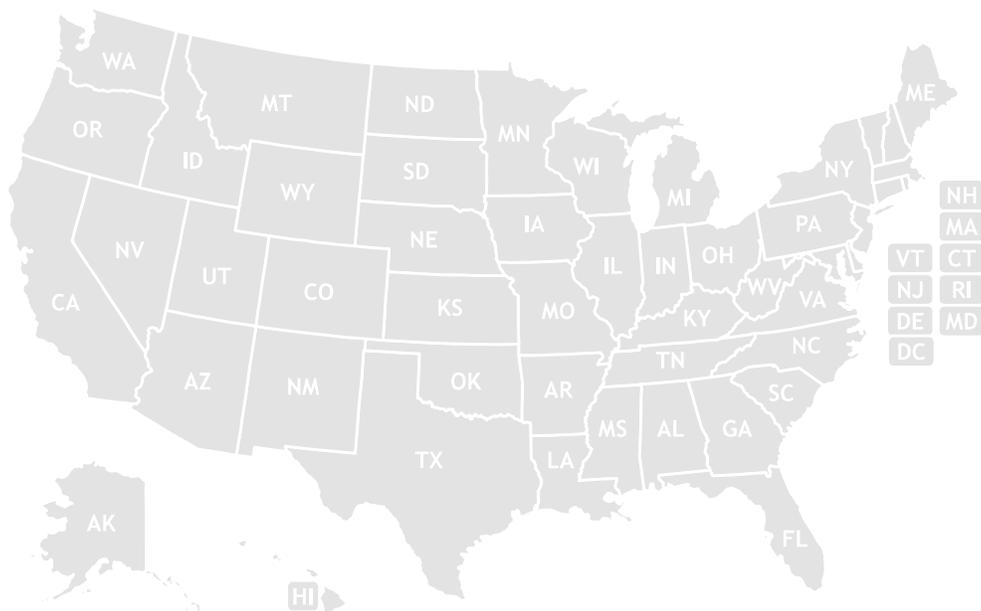
[STATE ANTI-SLAPP LAW SCORECARD](#)

[STATE ANTI-SLAPP REFERENCE CHART](#)

## STATE ANTI-SLAPP LAW SCORECARD

PPP has graded each state based on whether or not it has anti-SLAPP laws and the quality of those laws. Hover over a state for a summary of its anti-SLAPP law, or click through to the state's page for more information.

A = Excellent; B = Good; C = Adequate; D = Weak; F = No Anti-SLAPP Law





# STATE ANTI-SLAPP REFERENCE CHART

Special thanks to the Media Law Resource Center for its contribution to this chart. Each state is listed with details about its anti-SLAPP laws, if applicable. Click on the state for additional information. View the chart below (best viewed on desktop) or download pdf:

[DOWNLOAD PDF OF STATE ANTI-SLAPP REFERENCE CHART](#)

**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 <sup>1</sup>	N	Y

Jurisdiction	Case Name	Forum	Issue	Fee/Cost	Barriers	Status	Change	Appeal
Colorado	House Bill 19-1324 <sup>2</sup>	Y		Y		?	?	Y
Connecticut	Public Act No. 17-71 <sup>3</sup>	Y	Y	Y				
Delaware	Del. Code. Ann. tit. 10 section 8136 (2011)	Y				Y	Y	?
D.C.	D.C. Law 16-5501 <sup>4</sup>	Y	Y	Y <sup>5</sup>		N	?	Y
Florida	Fla. Stat. 768.295 (2011)	Y <sup>6</sup>		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	K.S.A. section 60-5320 (2016)	Y	Y	Y		?	?	Y
Kentucky	N/A							
Louisiana	L.a. Code. Civ. Proc. Ann. art 971 (2010)	Y	Y	Y		?	N	Y
Maine	Me. Rev. Stat. tit. 14 section 556 (2011)	Y	Y			?	?	Y



jurisdiction	Case Law	Forum	Issue	Fees/Costs	Barriers	Status	Change	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 <sup>Z</sup>	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							



jurisdiction	Case Name	Forum	Issue	Fee/Cost	Barriers	Status	Change	Appeal
Ohio	N/A							
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	The Tennessee Public Participation Act (Effective July 1, 2019)	Y	Y	Y	Y	?	?	Y
Texas	Tex. Civ. Prac. & Rem. Code section 27.002-9	Y	Y	?		?	Y	Y
Utah	Utah Code Ann. section 78B-6-1401 – 5(2001)	Y				?	?	Y
Vermont	12 VSA section 1041	Y	Y	Y		?	?	Y



State	Case Law	Forum	Issue	Fees/Costs	Barriers	Stays	Amend.	Appeal
Virginia	Code of VA: § 8.01- 223.2.							
Washington	RCW 4.24.510 <sup>2</sup>			Y		?	?	?
West Virginia	Case Law Only <sup>10</sup>							
Wisconsin	N/A							
Wyoming	N/A							

<sup>1</sup>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.

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

<sup>3</sup> Leading Cases: *Field v. Kearns*, 682 A.2d 148 (Conn. App. Ct. 1996); *Royce v. Willowbrook Cemetery, Inc.*, 2003 Conn. Super. LEXIS 262 (Conn. Super. Ct. Feb. 3, 2003); *Arigno v. Murzin*, 2001 Conn. Super. LEXIS 2875 (Conn. Super. Ct. Oct. 2, 2001).

<sup>4</sup>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.

<sup>5</sup>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.

<sup>6</sup>“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.

<sup>7</sup> 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.”

<sup>8</sup> Undecided, but amendment may not be used to avoid responsibility for costs and fees incurred in making a justified anti-SLAPP motion.

<sup>9</sup>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.

<sup>10</sup> Leading Case: *Harris v. Adkins*, 432 S.E.2d 549 (W.Va. 1993).



### CASP: Devin Nunes – California’s SLAPP-Filer-in-Chief

PPP Policy Director, Evan Mascagni, recently wrote a blog post for the California Anti-SLAPP Project on Devin Nunes.

[Read More →](#)



### Anti-SLAPP legislation proposed in Kentucky

PPP Policy Director Evan Mascagni was recently quoted in a KY Sunday Edition story on WDRB discussing proposed anti-SLAPP legislation in KY:

*Mascagni, a Louisville native, praised Kulkarni for "starting this important conversation in Kentucky" and told WDRB he would be coming home this year to "help advocate for a comprehensive bipartisan solution to this problem."*

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### New York’s Anti-SLAPP Law Is Only a Slap on the Wrist. Will New Legislation Make It Sting?

\*Reprinted with permission from: New York State Bar Association Journal, December 2019, Vol. 91, No. 9, published by the New York State Bar Association, One Elk Street, Albany, NY 12207.

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### Ohio Anti-SLAPP Bill Re-Introduced!

After momentum fizzled the first time around, state Sen. Matt Huffinan, R-Lima, re-introduced an Ohio bill meant to curtail frivolous lawsuits that target individuals for practicing protected speech.

Known as the Ohio Citizen Participation Act, the bill would create an expedited legal framework for courts to follow if a SLAPP, or strategic lawsuit against public participation, ends up in civil court.

Huffinan, who re-introduced the bill during a Tuesday morning press conference, said the bill’s purpose is to encourage public discussion and discourage the use of lawsuits that effectively stymie conversation by saddling individuals with unfair court procedure. Similar bills have been adopted by 36 other states by both conservative and liberal legislatures.

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#### CONTACT

