

SENATE BILL REPORT

SB 6522

As Reported By Senate Committee On:
Judiciary, February 6, 2002

Title: An act relating to communications with government branches or agencies and self-regulatory organizations.

Brief Description: Providing immunity for communications with government agencies and self-regulatory organizations.

Sponsors: Senators Kline, McCaslin, Kastama, Eide and Winsley.

Brief History:

Committee Activity: Judiciary: 1/31/02, 2/6/02 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Staff: Lisa Ellis (786-7421)

Background: In 1989, Washington enacted a Strategic Lawsuit Against Public Participation (SLAPP) statute. Generally, a SLAPP suit is a civil complaint or counterclaim brought against individuals or organizations arising from their communication to government or speech on issues of public concern.

Some governmental officials recommend (1) eliminating the existing requirement that complaints or communications must be communicated in good faith in order to reduce the expenses for SLAPP suit defendants and (2) including a statutory damages provision in order to discourage frivolous SLAPP litigation.

Summary of Bill: A person is immune from civil liability for claims based upon a communication to an agency or organization if the person communicates a complaint or information regarding any matter that reasonably concerns that agency or organization to (1) any branch or federal, state, or local government agency or (2) to any self-regulatory organization that regulates persons involved in the securities or futures business and that has been delegated authority by a federal, state, or local government agency and is subject to oversight by the delegating agency.

A prevailing defendant is entitled to recover expenses, reasonable attorneys' fees incurred while establishing the defenses, and statutory damages of \$10,000 unless the court finds that the complaint or information was communicated in bad faith.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: SLAPP suits stifle meaningful debate and discourage people from pursuing public office. Wealthy individuals can stifle debate by instigating SLAPP suits. Elected officials have faced financial ruin in defending themselves in SLAPP litigation.

Testimony Against: None.

Testified: PRO: Cherie Rodgers, Spokane City Council; Steve Corker, City of Spokane; Steve Eugster, City of Spokane.