

HOUSE RESEARCH

Bill Summary

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Subject: Strategic Lawsuits Against Public Participation

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Overview

Current Minnesota law provides protections and immunity against legal liability related to a person's conduct or speech, if the person's conduct or speech is genuinely aimed, in whole or in part, at securing a government action that the person favors.

This law, first enacted in 1994, grew out of concern that individuals or entities with greater access to resources would prevent a person from speaking out on an issue of concern to a government agency or official by filing a costly lawsuit against that person on grounds that often are without legal merit. These lawsuits are often referred to as "Strategic Lawsuits Against Public Participation" or "SLAPP."

A SLAPP lawsuit can have the effect of forcing the defendant, who otherwise might have testified against a proposal to a governmental body, to abandon opposition due to the costs of mounting an ongoing legal defense. A commonly-cited example is a defamation claim brought by a developer against a vocal neighborhood resident who opposes a proposed construction project and testifies against it to the city council or zoning board.

The Minnesota law provides a mechanism for a SLAPP lawsuit to be suspended and, potentially, dismissed if the claim materially relates to an act of "public participation."

This bill modifies the existing definition of "public participation" by providing a non-exclusive list of actions that meet the definition, including reports or requests for assistance from law enforcement. Recent case law has held that the SLAPP protections do not apply to claims involving law enforcement, because an existing immunity for those actions is codified in a different chapter of statute.

Section

- 1** **Public participation.** Establishes a list of examples of specific activities that constitute “public participation,” for purposes of the existing protection against SLAPP lawsuits designed to prevent or silence public participation.

The list includes request for assistance from, or reports to law enforcement. This addition effectively moves an existing immunity provision from another chapter of statute into the SLAPP chapter, and clarifies the legislature’s intent that the SLAPP protections apply to an individual’s requests or reports to law enforcement.

- 2** **Relationships to other law.** Provides that the SLAPP protections do not exempt an individual from any professional obligation of confidentiality.

- 3** **Rule of construction.** Requires the SLAPP protections to be construed liberally.

- 4** **Repealer.** Repeals an existing section of statute that provides immunity for reports and request for assistance from law enforcement. This language is effectively recodified as “public participation” in section 1 of the bill.

- 5** **Effective date.** Provides that the bill is effective the day following final enactment, and applies to judicial claims commenced on or after that date.