

Adopted Rejected

COMMITTEE REPORT

YES: 8
NO: 0

MR. SPEAKER:

*Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 260, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the
- 2 following:
- 3 SECTION 1. IC 34-4-45 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]:
- 6 **Chapter 45. Defense in Civil Actions Against Persons Who Act**
- 7 **in Furtherance of the Person’s Right of Petition or Free Speech**
- 8 **Under the United States or Indiana Constitution in Connection**
- 9 **with a Public Issue**
- 10 **Sec. 1. As used in this chapter, "act in furtherance of a**
- 11 **person’s right of petition or free speech under the United States**
- 12 **Constitution or the Constitution of the State of Indiana in**
- 13 **connection with a public issue" includes any conduct in**
- 14 **furtherance of the exercise of the constitutional right of petition or**
- 15 **the constitutional right of free speech in connection with a public**

1 issue or an issue of public interest.

2 **Sec. 2. It is a defense in a civil action against a person that the**
3 **act or omission complained of was:**

4 (1) **an act of that person in furtherance of the person’s right**
5 **of petition or free speech under the United States**
6 **Constitution or the Constitution of the State of Indiana in**
7 **connection with a public issue; and**

8 (2) **an act that was taken in good faith and with a reasonable**
9 **basis in law and fact.**

10 **Sec. 3. The prevailing party in a proceeding to dismiss an**
11 **action based on the defense established under section 2 of this**
12 **chapter is entitled to reasonable attorney's fees and costs.**

13 **Sec. 4. The remedy provided by this chapter is in addition to**
14 **other remedies provided by law.**

15 **SECTION 2. [EFFECTIVE UPON PASSAGE] IC 34-4-45, as**
16 **added by this act, applies to acts in furtherance of a person’s right**
17 **of petition or free speech under the United States Constitution or**
18 **the Constitution of the State of Indiana in connection with a public**
19 **issue or an issue of public interest that arise after the effective date**
20 **of this act. This act does not apply to actions that were filed and are**
21 **pending on the effective date of this act.**

22 **SECTION 3. An emergency is declared for this act.**
(Reference is to SB 260 as printed January 30, 1998.)

and when so amended that said bill do pass.

Representative Gregg