

House Bill 1069 (COMMITTEE SUBSTITUTE)

By: Representatives Oliver of the 56th, Post 2 and Benfield of the 56th, Post 1

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 9-11-11.1 of the Official Code of Georgia Annotated, relating to
2 exercise of rights of freedom of speech and right to petition government for redress of
3 grievances, so as further describe certain actionable acts; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 9-11-11.1 of the Official Code of Georgia Annotated, relating to exercise of
8 rights of freedom of speech and right to petition government for redress of grievances, is
9 amended by striking subsection (b) and inserting in lieu thereof the following:

10 "(b) For any claim asserted against a person or entity arising from ~~an~~ a communicative or
11 noncommunicative act by that person or entity which could reasonably be construed as an
12 act ~~in furtherance of~~ promoting and advancing the right of free speech or the right to
13 petition government for a redress of grievances under the Constitution of the United States
14 or the Constitution of the State of Georgia in connection with an issue of public interest or
15 concern, both the party asserting the claim and the party's attorney of record, if any, shall
16 be required to file, contemporaneously with the pleading containing the claim, a written
17 verification under oath as set forth in Code Section 9-10-113. Such written verification
18 shall certify that the party and his or her attorney of record, if any, have read the claim; that
19 to the best of their knowledge, information, and belief formed after reasonable inquiry it
20 is well grounded in fact and is warranted by existing law or a good faith argument for the
21 extension, modification, or reversal of existing law; that the act forming the basis for the
22 claim is not a privileged communication under paragraph (4) of Code Section 51-5-7; and
23 that the claim is not interposed for any improper purpose such as to suppress a person's or
24 entity's right of free speech or right to petition government, or to harass, or to cause
25 unnecessary delay or needless increase in the cost of litigation. If the claim is not verified
26 as required by this subsection, it shall be stricken unless it is verified within ten days after

1 the omission is called to the attention of the party asserting the claim. If a claim is verified
2 in violation of this Code section, the court, upon motion or upon its own initiative, shall
3 impose upon the persons who signed the verification, a represented party, or both an
4 appropriate sanction which may include dismissal of the claim and an order to pay to the
5 other party or parties the amount of the reasonable expenses incurred because of the filing
6 of the pleading, including a reasonable attorney's fee."

7 **SECTION 2.**

8 All laws and parts of laws in conflict with this Act are repealed.