

The Senate Judiciary Committee offered the following substitute to HB 1069:

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:

SECTION 1.

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

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

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

7 **SECTION 2.**

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