

LOST

Representative Evans of the 42nd offers the following amendment:

1 *Amend the House Committee on Judiciary, Non-civil substitute to HB 513 (LC 29 7039S) by*
 2 *deleting "to revise definitions;" on line 5.*

3 *By replacing lines 17 through 104 with the following:*

4 (a) The General Assembly of Georgia finds and declares that it is in the public interest to
 5 encourage participation by the citizens of Georgia in matters of public significance through
 6 the exercise of their constitutional rights of freedom of speech and the right to petition
 7 government for redress of grievances. The General Assembly of Georgia further finds and
 8 declares that the valid exercise of the constitutional rights of freedom of speech and the
 9 right to petition government for a redress of grievances should not be chilled through abuse
 10 of the judicial process.

11 ~~(b) For any claim asserted against a person or entity arising from an act by that person or~~
 12 ~~entity which could reasonably be construed as A person in this state may not file or cause~~
 13 ~~to be filed, personally or through its employees or agents, any lawsuit, cause of action,~~
 14 ~~claim, cross-claim, or counterclaim against another person or entity without merit and~~
 15 ~~primarily because such person or entity has taken an act in furtherance of the right of free~~
 16 ~~speech or the right to petition government for a redress of grievances under the~~
 17 ~~Constitution of the United States or the Constitution of the State of Georgia in connection~~
 18 ~~with an issue of public interest or concern, both the party asserting the claim and the party's~~
 19 ~~attorney of record, if any, shall be required to file, contemporaneously with the pleading~~
 20 ~~containing the claim, a written verification under oath as set forth in Code Section~~
 21 ~~9-10-113. Such written verification shall certify that the party and his or her attorney of~~
 22 ~~record, if any, have read the claim; that to the best of their knowledge, information, and~~
 23 ~~belief formed after reasonable inquiry it is well grounded in fact and is warranted by~~
 24 ~~existing law or a good faith argument for the extension, modification, or reversal of~~
 25 ~~existing law; that the act forming the basis for the claim is not a privileged communication~~
 26 ~~under paragraph (4) of Code Section 51-5-7, and that the claim is not interposed for any~~
 27 ~~improper purpose such as to suppress a person's or entity's right of free speech or right to~~
 28 ~~petition government, or to harass, or to cause unnecessary delay or needless increase in the~~
 29 ~~cost of litigation. If the claim is not verified as required by this subsection, it shall be~~
 30 ~~stricken unless it is verified within ten days after the omission is called to the attention of~~
 31 ~~the party asserting the claim.~~

32 (c) A person or entity sued in violation of this Code section has a right to an expeditious
 33 resolution of a claim that the lawsuit, cause of action, or claim is in violation of this Code
 34 section. A person or entity may move the court for an order dismissing the lawsuit, cause
 35 of action, or claim. The person or entity may file a motion, together with supplemental
 36 affidavits, seeking a determination that the claimant's lawsuit, cause of action, or claim has
 37 been brought in violation of this Code section. The claimant shall thereafter file a response
 38 and any supplemental affidavits.

39 (d) If the court determines a lawsuit, cause of action, or claim is verified made in violation
 40 of this Code section, the court, upon motion or upon its own initiative, shall impose upon
 41 the persons who signed the verification, a represented party, or both an appropriate sanction
 42 which may include dismissal of the lawsuit, cause of action, or claim and an order to pay
 43 to the other party or parties the amount of the reasonable expenses incurred because of the
 44 filing of the pleading, including a reasonable attorney's fee.

45 ~~(e)~~(e) As used in this Code section, 'act in furtherance of the right of free speech or the
 46 right to petition government for a redress of grievances under the Constitution of the
 47 United States or the Constitution of the State of Georgia in connection with an issue of
 48 public interest or concern' includes any written or oral statement, writing, or petition made
 49 before or to a legislative, executive, or judicial proceeding, or any other official proceeding
 50 authorized by law, or any written or oral statement, writing, or petition made in connection
 51 with an issue under consideration or review by a legislative, executive, or judicial body,
 52 or any other official proceeding authorized by law.

53 ~~(f)~~(f) All discovery and any pending hearings or motions in the action shall be stayed upon
 54 the filing of a motion to dismiss or a motion to strike made pursuant to subsection (b) of
 55 this Code section. The motion shall be heard not more than 30 days after service unless the
 56 emergency matters before the court require a later hearing. The court, on noticed motion
 57 and for good cause shown, may order that specified discovery or other hearings or motions
 58 be conducted notwithstanding this subsection.

59 ~~(g)~~(g) Nothing in this Code section shall affect or preclude the right of any party to any
 60 recovery otherwise authorized by common law, statute, law, or rule.

61 (h) This Code section shall not apply to any action brought by the Attorney General or a
 62 prosecuting attorney, or a city attorney acting as a prosecutor, to enforce laws aimed at
 63 public protection.

64 ~~(i)~~(i) Attorney's fees and expenses under this Code section may be requested by motion
 65 at any time during the course of the action but not later than 45 days after the final
 66 disposition, including but not limited to dismissal by the plaintiff, of the action."

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SECTION 2.

Chapter 5 of Title 51 of the Official Code of Georgia Annotated, relating to libel and slander, is amended in Code Section 51-5-7, relating to privileged communications, by revising paragraph (4) as follows:

"(4) Statements made in good faith as part of an act in furtherance of the person's right of free speech or the right to petition government for a redress of grievances under the Constitution of the United States or the Constitution of the State of Georgia in connection with an issue of public interest or concern, as defined in subsection ~~(c)~~ (e) of Code Section 9-11-11.1;"