

COMPARISON OF ANTI-SLAPP STATUTES

State	Citation	Issue of Public Concern Requirement	Plaintiff's burden to prove actual malice (falsehood or reckless disregard for truth)	Plaintiff's attorney required to file good faith verification under oath	Prosecutorial enforcement actions exempt	Defendant's Special Motion to Strike or Dismiss	Time limit (after complaint) for motion to strike	Stay of discovery upon filing of motion to strike	Government Intervention Allowed to Support Moving Party	Exception if plaintiff has probability of prevailing	Probability of plaintiff prevailing is not admissible evidence	Attorney's fees or actual damages for prevailing defendant	Punitive damages for prevailing defendant	Attorney's fees for plaintiff if motion to strike is frivolous or intended to cause delay	Provisions for Legislative Studies or Reports	Other laws are not precluded	Prohibits SLAPP suits by governmental entities
California	Cal Civ. Proc. Code § 425.16 (2002)	Yes	No	No	Yes	Yes	60 Days	Yes	Not specifically enumerated	Yes	Yes	Yes	Not specifically enumerated	Yes	Yes	Not specifically enumerated	Not specifically enumerated
Colorado judicial doctrine	<i>Intermountain Ass'n v. District Court</i> , 713 P.2d 923 (Colo. 1992)	Not specifically enumerated	Yes	No	No	No, but actual malice standard serves same purpose	No	No	Not specifically enumerated	Yes, plaintiff must prove: 1) petition devoid of factual support; 2) primary purpose was to harass plaintiff; 3) adverse effect on plaintiff's legal interest	No	Not specifically enumerated	Not specifically enumerated	Not specifically enumerated	Not specifically enumerated	Not specifically enumerated	Not specifically enumerated
Delaware	Del. Code Ann. tit. 10, §§ 8136 to 8138 (2001)	Yes	Yes	No	No	Yes	No	No	Not specifically enumerated	Yes, plaintiff must show the action has either substantial basis in law or supported by a substantial argument for a modification of existing law	No	Yes	Yes	Not specifically enumerated	No	Yes	Not specifically enumerated
Florida	Fla. Stat. § 57.105 (2001); Fla. Stat. § 768.295 (2001)	Not specifically enumerated	No	No	No	Yes (if brought by governmental entity)	No	No	Not specifically enumerated	Yes, plaintiff must show the action is either supported by existing law or a good faith argument for a modification in law	No	Yes	Not specifically enumerated	Yes	Yes	Not specifically enumerated	Yes
Georgia	Ga. Code Ann. § 9-11-11.1 (2001)	Yes	No	Yes	No	Yes, if plaintiff does not file a good faith verification under oath	30 Days	Yes	Not specifically enumerated	Plaintiff must file good faith verification under oath to prevent dismissal	No	Yes, if requested within 45 days of final disposition	Not specifically enumerated	Not specifically enumerated	No	Yes	Not specifically enumerated
Hawaii	HB 741 CD1, 21st Leg. Session	Yes	No	No	No, but definition of "SLAPP" is limited to civil suits only	Yes; moving party also has the right to an immediate appeal if the motion is denied or to file a writ of mandamus	No	Yes	Yes	Yes, if plaintiff demonstrates that their allegations are most likely not a SLAPP suit	No	Yes	Yes	Not specifically enumerated	No	Yes, but the SLAPP law explicitly trumps other state laws regarding award of attorney fees and other damages.	Not specifically enumerated
Indiana	Ind. Code § 34-7-7-1 to 7-7-10 (2002)	Yes; defendant's petitioning must have been in good faith	No	No	Yes	Yes; defendant must specify the issue of public concern they voiced to prompt the SLAPP suit	None, but court must rule on motion within 180 days of filing and within 30 days of evidence being submitted	Yes, except for discovery relevant to the motion	Not specifically enumerated	No, but this is effectively achieved by defendant's good faith burden to prevail on a motion to strike	No	Yes	Not specifically enumerated	Yes	No	Yes	Not specifically enumerated
Louisiana	La. Code Civ. Proc. Ann. Art. 971 (2002)	Yes	No	No	Yes	Yes	60 days after petition; notice for hearing within 30 days of service.	Yes; court may order discovery for good cause shown	Not specifically enumerated	Yes	Yes	Yes	Not specifically enumerated	Yes	No	Not specifically enumerated	Not specifically enumerated
Maine	Me. Rev. Stat. Ann. tit. 14, § 556 (2001)	Yes	No	No	No	Yes	60 days after service or later at court's discretion; motion heard "with as little delay as possible"	Yes; court may order discovery for good cause shown	Yes	Yes; plaintiff must show: 1) defendant's petition was devoid of reasonable factual/legal support and 2) actual injury.	No	Yes	Not specifically enumerated	Not specifically enumerated	No	Yes	Not specifically enumerated
Massachusetts	Mass. Gen. Laws Ann. ch. 231, § 59H (2002)	Yes	No	No	No	Yes	60 days after service or later at court's discretion; motion heard "as expeditiously as possible"	Yes; court may order discovery for good cause shown	Yes	Yes; plaintiff must show: 1) defendant's petition was devoid of reasonable factual/legal support and 2) actual injury.	No	Yes	Not specifically enumerated	Not specifically enumerated	No	Yes	Not specifically enumerated
Minnesota	Minn. Stat. § 554.01-554.05 (2001)	Defendant's conduct must be aimed at procuring favorable government action	No	No	No	Yes	No	Yes (pending final disposition of motion); court may order discovery for good cause shown	Yes	Yes; defendant's conduct must be a tort or a violation of the plaintiff's constitutional rights	No	Yes; (actual damages awarded if proven that suit was brought to harass, injure or inhibit protected speech)	Yes	Not specifically enumerated	No	Yes	Not specifically enumerated
Nebraska	Neb. Rev. Stat. Ann. § 25-21,241 to 21,246 (2001)	Yes	No	No	No	Yes	"The court shall expedite and grant preference in the hearing of such motion"	No	Not specifically enumerated	Yes, plaintiff must show the action has either substantial basis in law or supported by a substantial argument for a modification of existing law	No	Yes; (actual damages awarded if proven that suit was brought to harass, intimidate or maliciously inhibit protected speech)	Not specifically enumerated	Yes; plaintiff must prove defendant's knowledge of falsity or reckless disregard for truthfulness of speech.	No	Yes	Not specifically enumerated
Nevada	Nev. Rev. Stat. Ann. § 41.637, 41.650 (2001)	Defendant's conduct must be aimed at procuring favorable government action	No	No	No	No (immunity defense in lieu of motion to strike)	No	No	Not specifically enumerated	No, but implicit in definition of good faith communication (truthful or made without knowledge of falsehood)	No	Not specifically enumerated	Not specifically enumerated	Not specifically enumerated	No	Not specifically enumerated	Not specifically enumerated
New York	N.Y. Civ. Rights Law § 70-a (2002); N.Y. C.P.L.R. 3211(g), 3212 (h) (2002)	Yes	Yes	No	No	Yes (different dismissal & summary judgment standards)	No	No	Not specifically enumerated	Yes, plaintiff must show the action has either substantial basis in law or supported by a substantial argument for a modification of existing law	No	Yes; (actual damages awarded if proven that suit was brought to harass, intimidate or maliciously inhibit protected speech)	Yes; (defendant must prove that suit was brought to harass, intimidate or maliciously inhibit protected speech)	Not specifically enumerated	No	Yes	Not specifically enumerated
Oklahoma	Okla. Stat. tit. 12 § 1443.1 (2002)	Applies to public proceedings and criticism of public officials	No	No	No	No (immunity defense in lieu of motion to strike)	No	No	Not specifically enumerated	Yes, if defendant falsely imputes crime to a public official	No	Not specifically enumerated	Not specifically enumerated	Not specifically enumerated	No	Not specifically enumerated	Not specifically enumerated
Rhode Island	R.I. Gen. Laws § 9-33-1 to 9-33-4 (2001)	Yes	No	No	No	Yes (a defendant can move to assert immunity)	No	Yes; court may order discovery for good cause shown	Yes	Yes, if defendant's conduct is a sham that is both objectively and subjectively baseless	No	Yes; (actual damages awarded if proven that suit was brought to harass, intimidate or maliciously inhibit protected speech)	Yes; (defendant must prove that suit was brought to harass, intimidate or maliciously inhibit protected speech)	Not specifically enumerated	No	Yes	Not specifically enumerated
Tennessee	Tenn. Code Ann. § 4-21-1001 to 1004 (2001)	Yes	Yes (reckless if plaintiff is a public figure; negligent if not a public figure)	No	No	No (immunity defense in lieu of motion to strike)	No	No	Yes	Yes, if defendant's speech was false or with reckless/negligent disregard for truth	No	Yes	Not specifically enumerated	Yes, if intervening government agency fails to establish defendant's immunity	No	Not specifically enumerated	Not specifically enumerated
Washington	Wash. Rev. Code Ann. § 4.24.500 to 4.24.520	No	No	No	No	No (immunity defense in lieu of motion to strike)	No	No	Yes	Yes; defendant's communication to a government agency must be in good faith	No	Yes	Not specifically enumerated	Yes, if intervening government agency fails to establish defendant's immunity	No	Not specifically enumerated	Not specifically enumerated
Pring & Canan Model Anti-SLAPP Statute	G. Pring & P. Canan, <i>SLAPPs: Getting Sued for Speaking Out</i> (1996), p. 201	Applies to procurement of governmental or electoral action, result or outcome	No	No	No	Yes	The "court shall use a time period appropriate to preferred or expedited motions"	Yes, pending decision on motion and appeals	Yes	Yes, only if defendant's speech was not aimed at procurement of governmental or electoral action, result or outcome	No	Yes	Yes	Not specifically enumerated	No	Yes	Not specifically enumerated