

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Rebecca L. Rausch***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act strengthening the commonwealth's Anti-SLAPP law.**

\_\_\_\_\_

PETITION OF:

NAME:

*Rebecca L. Rausch*

DISTRICT/ADDRESS:

*Norfolk, Worcester and Middlesex*

**SENATE . . . . . No.**

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1113 OF 2023-2024.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act strengthening the commonwealth's Anti-SLAPP law.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 59H of chapter 231 of the General Laws, as appearing in the 2022 Official  
2 Edition, is hereby amended by striking out the section in its entirety and inserting in place  
3 thereof the following new section:-

4           Section 59H. Strategic Litigation Against Public Participation; Special Motion to Dismiss

5           (a) In any case in which a party asserts that the civil claims, counterclaims, or cross  
6 claims against it are based, either in whole or in part, on its exercise of freedom of expression,  
7 freedom of speech or freedom of petition under the Constitution of the United States or the  
8 constitution of the commonwealth, the party may bring a special motion to dismiss.

9           (b) The court shall advance any such special motion so that it may be heard and  
10 determined as expeditiously as possible. For those claims or allegations that are based on

11 protected speech activity, the court shall grant such special motion, unless the party against  
12 whom such special motion is made shows that: (i) the moving party's exercise of its right to the  
13 freedom of petition, the freedom of speech, the freedom of expression or in connection with any  
14 matter of public concern, either acting solely or in concert with other citizens, was devoid of any  
15 reasonable factual support or any arguable basis in law; and (ii) the moving party's acts caused  
16 actual injury to the responding party. In making its determination, the court shall consider the  
17 pleadings and supporting and opposing affidavits stating the facts upon which the liability or  
18 defense is based.

19 (c) The attorney general, on their behalf or on behalf of any government agency or  
20 subdivision to which the moving party's acts were directed, may intervene to defend or  
21 otherwise support the moving party on such special motion.

22 (d) All discovery proceedings shall be stayed upon the filing of a special motion to  
23 dismiss pursuant to this section; provided, however, that the court, on motion and after a hearing  
24 and for good cause shown, may order that limited, specified discovery on the motion may be  
25 conducted. The stay of discovery shall remain in effect until notice of entry of the order ruling on  
26 the special motion.

27 (e) The special motion to dismiss may be filed within 60 days of the service of the  
28 complaint or, in the court's discretion, at any later time upon terms it deems proper.

29 (f) If the court grants a special motion to dismiss filed pursuant to this section, the court  
30 shall award the moving party all costs and reasonable attorneys' fees, including those incurred  
31 for the special motion and any related discovery matters. Nothing in this section shall affect the  
32 right of the moving party to any remedy otherwise authorized by law.

33 (g) As used in paragraph (b) of this section, the phrase “freedom of petition, the freedom  
34 of speech, the freedom of expression” means those rights as defined under the United States  
35 Constitution or the constitution of the commonwealth.

36 (h) As used in paragraph (b) of this section, the term “any matter of public concern” shall  
37 include any written or verbal statement that is recorded, displayed or distributed in person or via  
38 any form of media, concerning any topic or subject related to a good, product, or service in the  
39 marketplace or otherwise offered to the public.