



## MISSOURI SENATE

JEFFERSON CITY

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# Lawmakers Detail Bill Protecting First Amendment Rights

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JEFFERSON CITY— Lawmakers today presented their legislative plan to strengthen the language of laws pertaining to strategic litigation against public participation, also known as SLAPP suits, in order to protect individuals' rights to petition.

Senate Bill 232 has rallied support from the following legislators on both sides of the aisle: Sen. John Loudon, R-Ballwin; Sen. Michael Gibbons, R-Kirkwood; Sen. Harry Kennedy, D-St. Louis; Rep. Walt Bivins, R-St. Louis; Rep. Jim Lembke, R-St. Louis; Rep. Sue Schoemehl, D-St. Louis; and Rep. Richard Byrd, R-Kirkwood.

SB 232 specifically addresses the civil suits that are brought against people who are exercising their First Amendment rights at a public hearing or meeting. Loudon's last-year efforts resulted in the current law guarding individuals from being sued for their conduct or speech at public meetings or hearings.

"These SLAPP suits are truly David and Goliath situations where the First Amendment rights of individuals are in jeopardy," Loudon said. "Recent litigation has illuminated the fact that last year's bill gave victims a shield, but this year's bill would give them a sling."

The new bill would add protection of "other petitioning activities" to state statute and would place the burden of proof that any defendant is liable for an unlawful wrongdoing on the plaintiff. The measure would also ensure that the plaintiff would not be able to dismiss the SLAPP suit right before trial, which will prevent the defendant from being stuck with attorney's fees and without any chance to be awarded the compensation by the court.

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Under the bill, the defendant would also be granted the right to sue the plaintiff for actual and punitive damages for abuse of process and malicious prosecution. In addition, the plaintiff would not be able to file a Missouri tax credit for business expenses incurred as legal fees for a suit deemed to be a SLAPP suit.

“Basically we are ensuring fairness in the courts by preventing public officials from throwing a lawsuit at someone for merely passing out fliers at a public meeting,” Gibbons said. “If a slap suit makes it into the hands of a judge, the public official will not be able to backpedal out of the motion and leave the innocent victim with a slew of attorney’s fees.”

Sen. Kennedy agrees with Loudon and Gibbons.

“It’s important that we protect every Missourian’s right to free speech by preventing direct suppression of free speech and expensive, intimidating lawsuits meant to discourage it,” Kennedy said.

The public will have an opportunity to weigh in on this important issue in committee hearings before it goes to the Senate floor for debate..

A similar press conference on Missouri’s SLAPP legislation will be held at 11 a.m., Fri., Jan. 28, in the plaza of the Clayton Courthouse in St. Louis.



**An electronic copy (“jpeg” format) of this photo showing (from left to right) Rep. Sue Schoemehl, Sen. Harry Kennedy, Sen. John Loudon, Rep. Walt Bivins and Rep. Jim Lembke can be obtained by calling Sen. Loudon’s capitol office at (573) 751-9763. Audio clips are available upon request at (573) 751-3824.**