

SECOND REGULAR SESSION

[PERFECTED]

# SENATE BILL NO. 1067

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HENDERSON.

5144S.01P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 537.528, RSMo, and to enact in lieu thereof one new section relating to civil actions based on public expression.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 537.528, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 537.529,  
3 to read as follows:

537.529. 1. This section shall be known and may be  
2 cited as the "Uniform Public Expression Protection Act".

3 2. As used in this section, the following terms mean:

4 (1) "Governmental unit", any city, county, or other  
5 political subdivision of this state, or any department,  
6 division, board, or other agency of any political  
7 subdivision of this state;

8 (2) "Person", an individual, estate, trust,  
9 partnership, business or nonprofit entity, governmental  
10 unit, or other legal entity.

11 3. Except as otherwise provided in subsection 4 of  
12 this section, the provisions of this section shall apply to  
13 any cause of action asserted in a civil action against a  
14 person based on the person's:

15 (1) Communication in a legislative, executive,  
16 judicial, administrative, or other governmental proceeding;

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17           (2) Communication on an issue under consideration or  
18 review in a legislative, executive, judicial,  
19 administrative, or other governmental proceeding; or

20           (3) Exercise of the right of freedom of speech or of  
21 the press, the right to assemble or petition, or the right  
22 of association, guaranteed by the Constitution of the United  
23 States or the Constitution of the state of Missouri, on a  
24 matter of public concern.

25           4. The provisions of this section shall not apply to a  
26 cause of action asserted:

27           (1) Against a governmental unit or an employee or  
28 agent of a governmental unit acting or purporting to act in  
29 an official capacity;

30           (2) By a governmental unit or an employee or agent of  
31 a governmental unit acting in an official capacity to  
32 enforce a law to protect against an imminent threat to  
33 public health or safety; or

34           (3) Against a person primarily engaged in the business  
35 of selling or leasing goods or services if the cause of  
36 action arises out of a communication related to the person's  
37 sale or lease of the goods or services.

38 As used in this subsection, the term "goods or services"  
39 shall not include any dramatic, literary, musical,  
40 political, journalistic, or artistic work.

41           5. No later than sixty days after a party is served  
42 with a complaint, crossclaim, counterclaim, third-party  
43 claim, or other pleading that asserts a cause of action to  
44 which this section applies, or at a later time upon a  
45 showing of good cause, a party may file a special motion to  
46 dismiss the cause of action or part of the cause of action.

47           6. (1) Except as otherwise provided in this  
48 subsection:

49           (a) All other proceedings between the moving party and  
50 responding party in an action, including discovery and a  
51 pending hearing or motion, are stayed on the filing of a  
52 motion under subsection 5 of this section; and

53           (b) On motion by the moving party, the court may stay:

54           a. A hearing or motion involving another party if the  
55 ruling on the hearing or motion would adjudicate a legal or  
56 factual issue that is material to the motion under  
57 subsection 5 of this section; or

58           b. Discovery by another party if the discovery relates  
59 to a legal or factual issue that is material to the motion  
60 under subsection 5 of this section.

61           (2) A stay under subdivision (1) of this subsection  
62 remains in effect until entry of an order ruling on the  
63 motion filed under subsection 5 of this section and the  
64 expiration of the time to appeal the order.

65           (3) If a party appeals from an order ruling on a  
66 motion under subsection 5 of this section, all proceedings  
67 between all parties in an action are stayed. The stay  
68 remains in effect until the conclusion of the appeal.

69           (4) During a stay under subdivision (1) of this  
70 subsection, the court may allow limited discovery if a party  
71 shows that specific information is necessary to establish  
72 whether a party has satisfied or failed to satisfy a burden  
73 imposed by subdivision (1) of subsection 9 of this section  
74 and is not reasonably available without discovery.

75           (5) A motion for costs and expenses under subsection  
76 12 of this section shall not be subject to a stay under this  
77 section.

78           (6) A stay under this subsection does not affect a  
79 party's ability to voluntarily dismiss a cause of action or  
80 part of a cause of action or move to sever a cause of action.

81           (7) During a stay under this section, the court for  
82 good cause may hear and rule on:

83           (a) A motion unrelated to the motion under subsection  
84 5 of this section; and

85           (b) A motion seeking a special or preliminary  
86 injunction to protect against an imminent threat to public  
87 health or safety.

88           7. (1) The court shall hear a motion under subsection  
89 5 of this section no later than sixty days after filing of  
90 the motion, unless the court orders a later hearing:

91           (a) To allow discovery under subdivision (4) of  
92 subsection 6 of this section; or

93           (b) For other good cause.

94           (2) If the court orders a later hearing under  
95 paragraph (a) of subdivision (1) of this subsection, the  
96 court shall hear the motion under subsection 5 of this  
97 section no later than sixty days after the court order  
98 allowing the discovery, subject to paragraph (b) of  
99 subdivision (1) of this subsection.

100           8. In ruling on a motion under subsection 5 of this  
101 section, the court shall consider the parties' pleadings,  
102 the motion, any replies and responses to the motion, and any  
103 evidence that could be considered in ruling on a motion for  
104 summary judgment.

105           9. (1) In ruling on a motion under subsection 5 of  
106 this section, the court shall dismiss with prejudice a cause  
107 of action or part of a cause of action if:

108           (a) The moving party establishes under subsection 3 of  
109 this section that this section applies;

110 (b) The responding party fails to establish as  
111 provided in subsection 4 of this section that this section  
112 does not apply; and

113 (c) Either:

114 a. The responding party fails to establish a prima  
115 facie case as to each essential element of the cause of  
116 action; or

117 b. The moving party establishes that:

118 (i) The responding party failed to state a cause of  
119 action upon which relief can be granted; or

120 (ii) There is no genuine issue as to any material fact  
121 and the party is entitled to judgment as a matter of law on  
122 the cause of action or part of the cause of action.

123 (2) A voluntary dismissal without prejudice of a  
124 responding party's cause of action, or part of a cause of  
125 action, that is the subject of a motion under subsection 5  
126 of this section does not affect a moving party's right to  
127 obtain a ruling on the motion and seek costs, reasonable  
128 attorney's fees, and reasonable litigation expenses under  
129 subsection 12 of this section.

130 (3) A voluntary dismissal with prejudice of a  
131 responding party's cause of action, or part of a cause of  
132 action, that is the subject of a motion under subsection 5  
133 of this section establishes for the purpose of subsection 12  
134 of this section that the moving party prevailed on the  
135 motion.

136 10. The court shall rule on a motion under subsection  
137 5 of this section no later than sixty days after the hearing  
138 under subsection 7 of this section.

139 11. A moving party may appeal within twenty-one days  
140 as a matter of right from an order denying, in whole or in  
141 part, a motion under subsection 5 of this section.

142           12. On a motion under subsection 5 of this section,  
143 the court shall award costs, reasonable attorney's fees, and  
144 reasonable litigation expenses related to the motion:

145           (1) To the moving party if the moving party prevails  
146 on the motion; or

147           (2) To the responding party if the responding party  
148 prevails on the motion and the court finds that the motion  
149 was frivolous or filed solely with intent to delay the  
150 proceeding.

151           13. This section shall be broadly construed and  
152 applied to protect the exercise of the right of freedom of  
153 speech and of the press, the right to assemble and petition,  
154 and the right of association, guaranteed by the Constitution  
155 of the United States or the Constitution of the state of  
156 Missouri.

157           14. In applying and construing this section,  
158 consideration shall be given to the need to promote  
159 uniformity of the law with respect to its subject matter  
160 among states that enact it.

161           15. The provisions of this section shall apply to any  
162 civil action filed, or any cause of action asserted in a  
163 civil action, on or after August 28, 2026.

          [537.528. 1. Any action against a person  
2 for conduct or speech undertaken or made in  
3 connection with a public hearing or public  
4 meeting, in a quasi-judicial proceeding before a  
5 tribunal or decision-making body of the state or  
6 any political subdivision of the state is  
7 subject to a special motion to dismiss, motion  
8 for judgment on the pleadings, or motion for  
9 summary judgment that shall be considered by the  
10 court on a priority or expedited basis to ensure  
11 the early consideration of the issues raised by  
12 the motion and to prevent the unnecessary  
13 expense of litigation. Upon the filing of any

14 special motion described in this subsection, all  
15 discovery shall be suspended pending a decision  
16 on the motion by the court and the exhaustion of  
17 all appeals regarding the special motion.

18 2. If the rights afforded by this section  
19 are raised as an affirmative defense and if a  
20 court grants a motion to dismiss, a motion for  
21 judgment on the pleadings or a motion for  
22 summary judgment filed within ninety days of the  
23 filing of the moving party's answer, the court  
24 shall award reasonable attorney fees and costs  
25 incurred by the moving party in defending the  
26 action. If the court finds that a special  
27 motion to dismiss or motion for summary judgment  
28 is frivolous or solely intended to cause  
29 unnecessary delay, the court shall award costs  
30 and reasonable attorney fees to the party  
31 prevailing on the motion.

32 3. Any party shall have the right to an  
33 expedited appeal from a trial court order on the  
34 special motions described in subsection 2 of  
35 this section or from a trial court's failure to  
36 rule on the motion on an expedited basis.

37 4. As used in this section, a "public  
38 meeting in a quasi-judicial proceeding" means  
39 and includes any meeting established and held by  
40 a state or local governmental entity, including  
41 without limitations meetings or presentations  
42 before state, county, city, town or village  
43 councils, planning commissions, review boards or  
44 commissions.

45 5. Nothing in this section limits or  
46 prohibits the exercise of a right or remedy of a  
47 party granted pursuant to another  
48 constitutional, statutory, common law or  
49 administrative provision, including civil  
50 actions for defamation.

51 6. If any provision of this section or the  
52 application of any provision of this section to  
53 a person or circumstance is held invalid, the  
54 invalidity shall not affect other provisions or  
55 applications of this section that can be given  
56 effect without the invalid provision or

57 application, and to this end the provisions of  
58 this section are severable.

59 7. The provisions of this section shall  
60 apply to all causes of actions.]

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