

STATE OF NEW YORK

3417

2017-2018 Regular Sessions

IN SENATE

January 23, 2017

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to creating the anti-SLAPP act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "anti-SLAPP
2 act".

3 § 2. Subdivisions (c) and (g) of rule 3211 of the civil practice law
4 and rules, subdivision (c) as amended by judicial conference proposal
5 number 4 for the year 1973, subdivision (g) as added by chapter 767 of
6 the laws of 1992, are amended to read as follows:

7 (c) Evidence permitted; immediate trial; motion treated as one for
8 summary judgment. Upon the hearing of a motion made under subdivision
9 (a) ~~[or]~~, (b) or (g), either party may submit any evidence that could
10 properly be considered on a motion for summary judgment. Whether or not
11 issue has been joined, the court, after adequate notice to the parties,
12 may treat the motion as a motion for summary judgment. The court may,
13 when appropriate for the expeditious disposition of the controversy,
14 order immediate trial of the issues raised on the motion.

15 (g) Standards for motions to dismiss in certain cases involving public
16 petition and participation. A motion to dismiss based on paragraph seven
17 of subdivision (a) of this section, in which the moving party has demon-
18 strated that the action, claim, cross claim or counterclaim subject to
19 the motion is an action involving public petition and participation as
20 defined in paragraph (a) of subdivision one of section seventy-six-a of
21 the civil rights law, shall be granted unless the party responding to
22 the motion demonstrates that the cause of action has a substantial basis
23 in law or is supported by a substantial argument for an extension,
24 modification or reversal of existing law. Discovery shall be suspended
25 pending a decision on the motion. The court shall grant preference in

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 the hearing of such motion and shall set such hearing date no later than
2 sixty days after the date of service of the motion unless the docket
3 condition of the court requires a later hearing, but in no event shall
4 the hearing occur more than ninety days after service of the motion. If
5 a motion to dismiss is granted the court shall provide for the imposi-
6 tion of costs or other sanctions, including imposition of reasonable
7 attorney's fees.

8 § 3. This act shall take effect immediately.