

STATE OF NEW YORK

5211

2021-2022 Regular Sessions

IN SENATE

February 26, 2021

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. Subdivision (c) and paragraph 1 of subdivision (g) of rule 3211
4 of the civil practice law and rules, subdivision (c) as amended by judi-
5 cial conference proposal number 4 for the year 1973, and paragraph 1 of
6 subdivision (g) as amended by chapter 250 of the laws of 2020, are
7 amended to read as follows:

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

17 1. A motion to dismiss based on paragraph seven of subdivision (a) of
18 this section, in which the moving party has demonstrated that the
19 action, claim, cross claim or counterclaim subject to the motion is an
20 action involving public petition and participation as defined in para-
21 graph (a) of subdivision one of section seventy-six-a of the civil
22 rights law, shall be granted unless the party responding to the motion
23 demonstrates that the cause of action has a substantial basis in law or
24 is supported by a substantial argument for an extension, modification or
25 reversal of existing law. Discovery shall be suspended pending a deci-

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

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

8 § 3. This act shall take effect immediately.