



**House Criminal Justice Committee**

**June 11, 2024**

**House Bill 5788 – SLAPP Suits**

**Position: Support**

The American Civil Liberties Union of Michigan supports House Bill 5788. Passage of this legislation is long overdue. The bill would promote and protect the public's right to express their opinions in speech about matters of public concern, by deterring "SLAPP" lawsuits, also known as strategic lawsuits against public participation.

SLAPP suits are designed to intimidate, deter, and punish individuals for exercising their First Amendment right to speak out on issues impacting businesses and government actions. Some past examples include citizens being sued for testifying before their local elected officials about building permit and zoning change applications, expressing concerns about public education, and for reporting violations of environmental laws to regulatory agencies.

There are many reasons why the Michigan Legislature should be concerned about these lawsuits. SLAPP suits are often intended to bankrupt those who express their opinions in public by embroiling individuals in lawsuits and forcing them to hire attorneys to defend themselves. In contrast to most litigation, the SLAPP suit is brought not to resolve a problem, but to remove a controversy from the public arena. Those who file SLAPP suits do not sue to achieve a litigation outcome; rather, they file to silence their opposition. They are often filed to prevent citizen oversight of government.

House Bill 5788 will provide a way to quickly terminate frivolous claims that threaten First Amendment rights. The legislation includes clear statements of protection for speech in areas of public importance, along with a legal procedure for early dismissal of a SLAPP. By providing a way to quickly dismiss SLAPP suits and forcing those who bring them to pay the legal fees, anti-SLAPP statutes discourage the filing of these kinds of frivolous claims.

Thirty-four states and the District of Columbia more broadly provide protection against lawsuits that seek to chill the exercise of freedom of expression<sup>1</sup>. Now is the time for Michigan to follow their lead. We ask that the Michigan Legislature move HB 5788 with haste.

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<sup>1</sup> <https://www.rcfp.org/anti-slap-legal-guide/#:~:text=As%20of%20May%202024%2C%2034,%2C%20New%20Jersey%2C%20New%20Mexico%2C>