



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 19-1324

FINAL
FISCAL NOTE

Drafting Number:	LLS 19-0783	Date:	September 4, 2019
Prime Sponsors:	Rep. Cutter; Bird Sen. Foote	Bill Status:	Signed Into Law
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Bill Topic: STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill allows an expedited civil court process in which a defendant files a motion to dismiss based upon the defendant exercising his or her constitutional right to free speech or to petition the government. This bill minimally increases state expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This bill reflects the enacted bill.

Summary of Legislation

This bill allows an expedited civil court process in which a defendant files a motion to dismiss based upon the defendant exercising his or her constitutional right to free speech or to petition the government. The bill specifies that this defense is unavailable under certain circumstances, including an action brought:

- by or on behalf of the state or any subdivision of the state enforcing a law or seeking to protect against an imminent threat to public health and safety;
- solely in the public interest or on behalf of the general public if specified conditions exist; or
- against a person primarily engaged in the business of selling or leasing goods or services, such as insurance or securities, if the statement or conduct consists of representations of fact and the audience is an actual or potential buyer.

Lastly, the bill grants the court of appeals initial jurisdiction over appeals in these cases and authorizes an interlocutory appeal to review decisions or motions to dismiss under the provisions of the bill.

State Expenditures

Beginning in FY 2019-20, this bill will increase trial court workload by a minimal amount in the Judicial Department. Workload will increase to handle motions to dismiss, which is offset to the extent that more cases are dismissed, which is assumed result in a net minimal impact to workload. The creation of a new process for defendants to move for dismissal of a case against them related to the defendant's exercise of certain first amendment rights is narrowly applicable and it is assumed that these cases will not occur often. If trial court and court of appeals cases increase beyond what is anticipated, the impact will be handled through the annual budget process.

Effective Date

The bill was signed into law by the Governor on June 3, 2019, and took effect July 1, 2019, and applies to actions on or after the date.

State and Local Government Contacts

Judicial

Law