

SENATE, No. 643

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator SCHLUTER

1 AN ACT concerning civil immunity for citizens who speak out on  
2 public issues under certain circumstances and supplementing Title  
3 2A of the New Jersey Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

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8 1. a. The Legislature finds and declares that information provided  
9 by citizens concerning potential wrongdoing is vital to effective law  
10 enforcement and the efficient operation of government. The threat of  
11 a civil action for damages can be a deterrent to citizens who wish to  
12 report information to federal, state or local agencies or who wish to  
13 speak out about a public issue that affects them. The costs of  
14 defending against such suits can be severely burdensome. The purpose  
15 of this act is to protect individuals who make good-faith reports to  
16 appropriate governmental bodies or who in good faith exercise the  
17 right to petition the government for redress of grievances.

18 b. A person who in good faith communicates a complaint or  
19 information to any public entity regarding any matter reasonably of  
20 concern to that entity shall be immune from liability for damages  
21 arising out of the communication. A person who in good faith  
22 expresses an opinion or belief concerning a public issue which affects  
23 the person shall be immune from liability for damages arising out of  
24 the communication. A person who prevails in defending a suit for  
25 damages under these circumstances shall be awarded costs and  
26 reasonable attorney fees.

27 c. A public entity which has received a complaint or information as  
28 provided by subsection b. of this section may intervene in and defend  
29 against any suit for damages arising out of the communication to the  
30 public entity. The office of the Attorney General may intervene and  
31 defend against such suit if the public entity fails to do so.

32 d. As used in this act, "public entity" means the federal government,  
33 the State of New Jersey, and any county, municipality, district, public  
34 authority, public agency and any other political subdivision or public  
35 body in the State.

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37 2. This act shall take effect immediately.

STATEMENT

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According to recent reports, lawsuits have been filed in increasing numbers against individuals who speak out to public officials about public issues. Nicknamed "SLAPPS" ("Strategic Lawsuits Against Public Participation") by consumer advocates, these lawsuits are brought for the purpose of ending public debate on the underlying issue. Even though most of the suits are legally baseless and are eventually dismissed by the courts, the defendants often incur substantial expenses, such as court costs and attorney fees, in defending themselves.

This bill would attempt to remedy this situation by providing that a person who in good faith communicates a complaint or information to any public entity regarding any matter reasonably of concern to that entity would be immune from liability for damages arising out of the communication. A person who in good faith expresses an opinion or belief concerning a public issue which affects the person would also be immune from liability for damages arising out of the communication. A person who prevails in defending a suit for damages under these circumstances would be awarded costs and reasonable attorney fees.

A public entity would be entitled to intervene in and defend against any such suit. If the entity fails to intervene, the Attorney General would be entitled to do so.

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Provides civil immunity under certain circumstances to individuals who speak out on public issues.