

Bill Summary
1st Session of the 59th Legislature

Bill No.:	SB 490
Version:	INT
Request No.:	510
Author:	Sen. Bergstrom
Date:	01/17/2023

Bill Analysis

SB 490 creates the Public Participation Protection Act. The measure provides that any party other than a governmental entity or employee acting in an official capacity may file a special motion to dismiss a claim if the claim infringes upon that party's exercise of the constitutional right of petition, free speech, or association under the United States Constitution or the Oklahoma Constitution. Such a motion shall be filed no later than 60 days after the date of service of legal action, though the time to file may be extended by the court for good cause. All discovery shall be stayed pending action on the motion. The court shall conduct an expedited hearing on the motion within 30 days of receipt of the motion unless docket conditions of the court require a later hearing, good cause, or by agreement from both parties requires a later date. Unless the party can establish a prima facie case for the legal action, if the court finds that the action infringes upon a party's constitutional right, the case shall be dismissed. The court shall also award costs and reasonable attorney fees to the party that filed the motion if the case is dismissed. The provisions of this measure shall not apply to a protective order or proceedings under Title 10A or Title 43 of the Oklahoma Statutes.

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