

S 3493

Free Press Act of 2012

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Law

Introduced: Aug 2, 2012

Current Status: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S5984-

Latest Action: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S5984-5985) (Aug 2, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/3493>

Sponsor

Name: Sen. Kyl, Jon [R-AZ]

Party: Republican • **State:** AZ • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Aug 2, 2012

Subjects & Policy Tags

Policy Area:

Law

Related Bills

No related bills are listed.

Free Press Act of 2012 - Amends the federal judicial code to authorize a representative of the news media to file a special motion to dismiss any claim asserted against such representative in a civil action if the claim arises from an oral or written statement or other expression that is on a matter of public concern or that relates to a public official or figure (thereby establishing a judicial procedure to seek dismissal of what are commonly referred to as "Strategic Lawsuits Against Public Participation" [SLAPPs]).

Places the burden on the party asserting the claim, after such a motion is properly brought, to prove the claim is legally sufficient and supported by facts sufficient to sustain a favorable judgment. Requires the dismissal with prejudice of any such claim challenged with a motion to dismiss for which the party asserting the claim fails to meet that burden.

Prohibits such a special motion to dismiss from being filed against a claim: (1) brought by the federal government or a state attorney general, or (2) arising out of a statement offering or promoting the sale of the goods or services of the person making the statement.

Authorizes a person whose personally identifying information is sought in connection with a claim that arises in whole or in part from an oral or written statement or other expression that is on a matter of public concern or that relates to a public official or figure, or a person from whom such information is sought in connection with such a claim, to file a special motion to quash the request or order to produce the information. Places a similar burden of proof on the party making the request for such information, after a special motion to quash is properly brought, to show that the claim is legally sufficient and supported by appropriate evidence.

Permits a civil action in a state court that raises a claim arising out of speech on public issues to be removed to federal court by a party who seeks to file a special motion to dismiss asserting a colorable defense based on the Constitution or laws of the United States. Allows the removal of a state court proceeding to federal court by a party who seeks to file a special motion to quash, but only with respect to the proceeding to quash the request for personally identifying information and not the remainder of the civil action.

Actions Timeline

- **Aug 2, 2012:** Introduced in Senate
- **Aug 2, 2012:** Sponsor introductory remarks on measure. (CR S5983-5984)
- **Aug 2, 2012:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S5984-5985)