



OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

Fiscal Note & Local Impact Statement

Bill: S.B. 206 of the 132nd G.A.

Status: As Introduced

Sponsor: Sen. Huffman

Local Impact Statement Procedure Required: No

Subject: Ohio Citizen Participation Act

State & Local Fiscal Highlights

- The bill will likely reduce court-related expenditures stemming from the more rapid disposition of certain civil actions involving defendants sued because they engaged in protected communication. The bill has no direct fiscal effect on the state.

Detailed Fiscal Analysis

The bill creates the Ohio Citizen Participation Act, under which any person who engages in a form of protected communication is immune from any civil action for a claim based on that communication.

The bill, in effect, creates an expedited process for the courts to adjudicate and dismiss meritless civil actions that challenge some form of protected speech. The bill provides that if a claim is brought against a person based upon a protected communication, the defendant may file a special motion to strike the action. The court considers the motion and if the special motion to strike is granted, the court must award reasonable attorney's fees and court costs to the defendant. The court may also award, in addition to reasonable attorney's fees and court costs, such punitive or exemplary monetary sanctions as the court finds sufficient to deter the filing of similar actions in the future.

The bill will relieve pressure on the courts by faster disposition of cases in which the defendant has engaged in protected communication, and the plaintiff will not likely prevail. Where these cases can take a lengthy period of time to dispose of under current law, the bill could result in dismissals in a matter of months. Expenditures incurred by the courts to adjudicate such civil matters will be reduced accordingly. The bill will not necessarily prevent cases from being filed, although it is possible that the prospect of such civil actions being quickly dismissed and the plaintiffs being charged monetary sanctions may lead to a reduction in new filings, particularly if the plaintiffs realize the suit is no longer useful or effective.