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FOR FREEDOM OF THE PRESS

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Affiliations appear only for purposes of identification.

By email

December 9, 2025

The Honorable Stephanie Chang
Civil Rights, Judiciary, and Public Safety Standing Committee
Michigan Senate
Binsfeld Office Building, Room 1200
201 Townsend Street
Lansing, MI 48933

The Honorable Jim Runestad
Civil Rights, Judiciary, and Public Safety Standing Committee
Michigan Senate
Binsfeld Office Building, Room 1200
201 Townsend Street
Lansing, MI 48933

Re: Support for House Bill 4045

Dear Chair Chang and Vice Chair Runestad:

The Reporters Committee for Freedom of the Press strongly supports House Bill 4045, a measure that would provide journalists and the public in Michigan protection when faced with frivolous “Strategic Lawsuits Against Public Participation,” or SLAPPs. If signed into law, House Bill 4045 – which passed out of the Michigan House of Representatives 103 to 0 – would allow courts to quickly dismiss meritless claims, including those for defamation, which are designed not for success on the merits, but to suppress speech through the expense and burden of litigation. Accordingly, SLAPP suits can dramatically chill the free flow of information.

House Bill 4045 is based on the Uniform Public Expression Protection Act, or UPEPA. The Uniform Law Commission drafted UPEPA to serve as a model anti-SLAPP law providing “a clear process through which SLAPPs can be challenged and their merits fairly evaluated in an expedited manner.” Unif. Pub. Expression Prot. Act 3 (Unif. L. Comm’n 2020), available at <https://bit.ly/4oZIFWF>.

UPEPA serves two purposes: “protecting individuals’ rights to petition and speak freely on issues of public interest, while at the same time, protecting the rights of people and entities to file meritorious lawsuits for real injuries.” *Id.* Anti-SLAPP laws like UPEPA “do not insulate defendants from any liability for claims arising from protected rights of petition or speech. [They] only provide[] a procedure for weeding out, at an early stage, *meritless* claims arising from protected activity.” *Id.* at 18 (citing *Sweetwater Union High Sch. Dist. v. Gilbane Bldg. Co.*, 434 P.3d 1152, 1157 (Cal. 2019) (alterations in original, emphasis added)).

Effective anti-SLAPP laws allow defendants who have been sued for protected speech on matters of public interest to dismiss the case early, before incurring significant legal fees, and require those who bring SLAPP suits to pay fees and costs, which serves to deter unmeritorious cases. Michigan is currently one of only twelve states that does not have an anti-SLAPP statute, making this proposed measure necessary to fill the gaps left by the state's general law prohibiting frivolous lawsuits. *See* MCL 600.2591. House Bill 4045 would provide the necessary framework for courts to use in consistently weeding out SLAPP suits.

For journalists and news organizations – as well as the public who relies on them to stay informed – SLAPP cases are particularly pernicious. Anti-SLAPP laws have been enacted all over the country to give journalists and other defendants substantive and procedural protections against meritless lawsuits arising out of constitutionally protected reporting and other speech. Unflinching journalism is essential to hold powerful public figures and officials to account. Such vital news reporting depends upon journalists' ability to identify, investigate, and report stories without fear that the subjects of their reporting will target them or their newsroom with costly, meritless litigation. House Bill 4045 would provide those essential protections. We respectfully urge that you pass it.

Please do not hesitate to contact the Reporters Committee's Vice President of Policy Gabe Rottman (grottman@rcfp.org) with any questions.

Sincerely,

Reporters Committee
for Freedom of the Press