

HB 169 - Public Expression Protection Act

Sponsored by: Rep. Andrea Romero, Rep. Eleanor Chavez and Sen. Harold Pope Jr.

It's time for truth, protection and courage; It's time for change.

What is the purpose of the Public Expression Protection Act?

The purpose of the Public Expression Protection Act is to safeguard individuals and entities from frivolous lawsuits designed to suppress free speech, public participation, or criticism by burdening defendants with costly and lengthy litigation. These suits, known as SLAAP suits, an acronym for "Strategic Lawsuit Against Public Participation," are antithetical to our constitutional first amendment rights. This act ensures that individuals can exercise their rights to free speech, assembly, and petition without fear of intimidation through the legal system.

What does the Public Expression Protection Act cover?

1. **Communications in Governmental Proceedings:** Speech made during legislative, executive, judicial, administrative or other governmental proceeding.
2. **Matters of Public Concern:** Speech related to issues being reviewed in these governmental contexts or matters affecting the public interest.
3. **Protected Rights:** Expressions involving the right to free speech, press, association, assembly, and petition under the U.S. and New Mexico Constitutions.

The act outlines expedited dismissal procedures for meritless lawsuits targeting these protected activities, allows for stays on proceedings, and mandates the awarding of attorney's fees and costs to prevailing defendants.

Why is the Public Expression Protection Act needed now?

Over the last few decades, we have seen an increase of lawsuits used to intimidate and silence the public. The law provides a mechanism to safeguard defendants facing lawsuits targeting their protected speech, allowing for the swift dismissal of such cases without the burden of costly and lengthy litigation. Additionally, it ensures that defendants are awarded attorney's fees when successfully defending against meritless claims, reinforcing the commitment to free expression in our state.

Current New Mexico Anti-SLAAP legislation is limited to speech in the context of Governmental proceedings, leaving the public vulnerable to SLAAP lawsuits for speech in other contexts.

NM [received a "D" from the Institute for Free Speech for its first amendment protections](#) because our anti-SLAAP legislation is so narrow in scope. This legislation would earn New Mexico an "A."

Bipartisan Support: [Thirty-five states have adopted similar laws that have enjoyed bi-partisan support.](#) On January 8, 2025, Ohio was the latest state to unanimously pass the Public Expression Protection Act. The bill enjoyed widespread support, including Ohio State Bar Association, Ohio News Media Association, the Ohio Association of Broadcasters, the Reporters Committee for Freedom of the Press and the American Civil Liberties Union of Ohio.

Endorsing this legislation:

