



AB 933 – Protecting Survivors from Weaponized Defamation Lawsuits (Aguiar-Curry and Ward)

SUMMARY

In recent years, defamation lawsuits have been weaponized against survivors of sexual assault, harassment, and discrimination. These retaliatory lawsuits subject survivors to extended, costly, and painful legal proceedings while being intended to intimidate or punish them for reporting their abusers. AB 933 protects survivors of sexual assault, harassment, and discrimination from defamation lawsuits by clarifying that claims made in good faith are a form of protected speech. This bill also provides relief to survivors in the form of reasonable attorneys' fees and damages for successfully defending themselves against meritless lawsuits.

BACKGROUND

An act of sexual assault is committed every 68 seconds. Sexual violence affects people of every gender identity, age, and sexual orientation and is, unfortunately, common. According to the Centers for Disease Control and Prevention (CDC), over half of women and nearly 1 in 3 men have experienced sexual violence in their lives. Sexual violence often impacts people early in life. Of people who experience sexual violence, more than 4 in 5 female survivors, and 71% of male survivors were raped before the age of 25.

The #MeToo movement gave many assault and harassment survivors the opportunity to bravely join countless others in sharing their stories on a national platform in solidarity. The movement unveiled a predatory culture that persists across all sectors of employment and society. While survivors courageously came forward, many were served with defamation lawsuits by those who abused them.

Strategic Lawsuits Against Public Participation (SLAPP) are increasingly being used as a weapon to threaten, silence, intimidate, and dissuade survivors of sexual assault, harassment, and discrimination

from speaking out against their abusers and exposing predators. The threat of having to engage in years of litigation, relive the personal trauma of abuse in court, and take on the burden of responding to an expensive, resource-draining SLAPP suit further harms survivors and causes a chilling effect that discourages others from coming forward to share their experience. In fact, the financial burden of defending against a defamation suit is one of the main reasons these suits tend to evoke so much fear in survivors.¹

PROBLEM

Existing law makes certain publications and speech—including complaints of sexual harassment—privileged and protected from civil defamation actions. However, these protections are limited, leaving survivors potentially open to defamation lawsuits if they engage in certain forms of speech. The right to speak out must be protected in order to provide survivors with a safe outlet to report and communicate their truth, and protect others from such abuse, without fear of legal retaliation.

THIS BILL

AB 933 expands protections for speech made by a survivor, without malice, about their own experience of sexual assault, harassment, or discrimination.

This bill would make it harder for perpetrators to retaliate against survivors with legal threats and intimidation, but does not apply to unfounded claims. The protections in this bill will help encourage survivors to speak their truth and expose the behavior of those who harmed them. This bill also helps take the burden off of survivors by providing reasonable attorneys' fees and damages if

¹ *Retaliatory Defamation Suits: The Legal Silencing of the #MeToo Movement*, <https://www.tulanelawreview.org/tlr-online/retaliatorydefamation>

they successfully defend themselves against meritless lawsuits.

SUPPORT

CA Employment Lawyers Association (co-sponsor)

Equal Rights Advocates (co-sponsor)

ACLU California Action

American Association of University Women CA

American Association of University Women San Jose

Pamela Lopez

Victoria Burke

California Anti-SLAPP Project

California Work & Family Coalition

California Partnership to End Domestic Violence

Caring Across Generations

Child Care Law Center

Consumer Attorneys of California

GRACE – End Child Poverty in California

Legal Aid at Work

Lutheran Office of Public Policy - California

Mujeres Unidas y Activas

National Council of Jewish Women California

Office of Lieutenant Governor Eleni Kounalakis

Parent Voices, California

Santa Clara County Wage Theft Coalition

ValorUS

Women's Foundation California

Work Equity

Worksafe

9to5

CONTACT

Rita Durgin | Legislative Aide

Rita.Durgin@asm.ca.gov

(916) 319-2004