



MOTION PICTURE ASSOCIATION

MOTION PICTURE ASSOCIATION, INC.

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VIA EMAIL ONLY

Honorable Floyd Prozanski, Chair, Senate Committee on Judiciary
Honorable Kim Thatcher, Vice-Chair, Senate Committee on Judiciary
Honorable Sara Gelser Blouin, Member, Senate Committee on Judiciary
Honorable Dennis Linthicum, Member, Senate Committee on Judiciary
Honorable James Manning, Jr., Member, Senate Committee on Judiciary

February 6, 2023

Re: Oregon Senate Bill 305

Dear Chair Prozanski, Vice-Chair Thatcher, and members of the Senate Committee on Judiciary:

The Motion Picture Association, Inc. (“MPA”) is pleased to endorse Senate Bill 305, which updates and strengthens Oregon’s already robust anti-SLAPP law, codified at O.R.S. 31.150 *et seq.*

The MPA is a not-for-profit trade association founded in 1922 to address issues of concern to the motion picture industry. Since that time, MPA has advanced the business and art of storytelling, protecting the creative and artistic freedoms of storytellers, and bringing entertainment and inspiration to audiences worldwide. The MPA’s member companies are: Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Universal City Studios LLC, Walt Disney Studios Motion Pictures, Warner Bros. Entertainment Inc., and Netflix Studios, LLC. In addition, several of the MPA’s members have as corporate affiliates major news organizations (including ABC, NBC, and CBS News, and CNN) and dozens of owned-and-operated local television stations with broadcast news operations.

The MPA’s members and their affiliates are in the business of engaging in free speech on matters of public concern, whether they tell stories through fictional films, television documentaries, or news broadcasts of national or local interest. Unfortunately, that speech sometimes results in defamation or other lawsuits by individuals and businesses unhappy with how they are portrayed. These lawsuits—even if ultimately unsuccessful—can be expensive and burdensome to defend against, and have the

especially pernicious effect of chilling constitutionally protected speech on controversial topics, for fear that it will result in litigation, however meritless.

To combat this problem, 32 states and the District of Columbia have enacted so-called anti-SLAPP (“Strategic Lawsuit Against Public Participation”) statutes, which provide a powerful tool for those who are unjustly sued for the exercise of their free speech rights on public issues. The MPA’s members, as well as their affiliated news organizations, are frequent users of such statutes, which help ensure that their First Amendment rights to entertain and inform the public are not chilled by meritless lawsuits.

Oregon’s existing anti-SLAPP law is very strong, having received an “A-” grade from the respected Institute for Free Speech in its February 2022 “report card” evaluating state anti-SLAPP laws.¹ S.B. 305 builds on the strong foundation in current Oregon law by incorporating several features from the Uniform Public Expression Protection Act (“UPEPA”), a model bill promulgated by the Uniform Law Commission in 2020. UPEPA draws from the best of the existing anti-SLAPP statutes, and we at the Motion Picture Association have been working to help enact it in states that either have no anti-SLAPP statute on the books, or whose statutes are too narrow in scope to protect the First Amendment rights of their citizens, journalists, businesses, nonprofit organizations, and others when they speak out on matters of public concern. The amendments to existing Oregon law contained in S.B. 305 will maintain Oregon’s position as a leader in protecting free expression.

Thank you for your work on this legislation, and please do not hesitate to contact the MPA’s advocate in Oregon John C. Powell at jcp@johnpowell.us or (503) 510-8758 if we can be of assistance.

Very truly yours,



Benjamin S. Sheffner

¹ See <https://www.ifs.org/anti-slapp-report/>