

SB 180-3  
(LC 2708)  
4/1/25 (MNJ/ps)

Requested by Senator MCLANE

**PROPOSED AMENDMENTS TO  
SENATE BILL 180**

1 In line 2 of the printed bill, before the period insert “; creating new pro-  
2 visions; and amending ORS 31.150”.

3 Delete lines 4 through 15 and insert:

4 **“SECTION 1. In a claim for defamation against an individual who**  
5 **makes a communication regarding an incident of sexual assault com-**  
6 **mitted against the individual, in addition to the other elements re-**  
7 **quired to prove a claim of defamation, it is an element of the claim**  
8 **that the individual made the communication with malice.**

9 **“SECTION 2. ORS 31.150 is amended to read:**

10 “31.150. (1) A defendant may make a special motion to strike against a  
11 claim in a civil action described in subsection (2) of this section. The court  
12 shall grant the motion unless the plaintiff establishes in the manner provided  
13 by subsection (4) **or (5)** of this section that there is a probability that the  
14 plaintiff will prevail on the claim. The special motion to strike shall be  
15 treated as a motion to dismiss under ORCP 21 A but shall not be subject to  
16 ORCP 21 F. Upon granting the special motion to strike, the court shall enter  
17 a judgment of dismissal without prejudice. If the court denies a special  
18 motion to strike, the court shall enter a limited judgment denying the mo-  
19 tion.

20 “(2) A special motion to strike may be made under this section against  
21 any claim in a civil action that arises out of:

1 “(a)(A) Any oral statement made, or written statement or other document  
2 submitted, in a legislative, executive or judicial proceeding or other pro-  
3 ceeding authorized by law;

4 “[*(b)*] (B) Any oral statement made, or written statement or other docu-  
5 ment submitted, in connection with an issue under consideration or review  
6 by a legislative, executive or judicial body or other proceeding authorized  
7 by law;

8 “[*(c)*] (C) Any oral statement made, or written statement or other docu-  
9 ment presented, in a place open to the public or a public forum in connection  
10 with an issue of public interest; or

11 “[*(d)*] (D) Any other conduct in furtherance of the exercise of the con-  
12 stitutional right of assembly, petition or association or the constitutional  
13 right of free speech or freedom of the press in connection with a public issue  
14 or an issue of public interest[.]; or

15 **“(b) Any oral statement made, or written statement or other docu-**  
16 **ment presented, regarding an incident of sexual assault committed**  
17 **against an individual, if the statement or document is made or pre-**  
18 **sented in good faith and with an objectively reasonable belief that the**  
19 **incident of sexual assault occurred.**

20 “(3) A special motion to strike may not be made against a claim under  
21 this section against a person primarily engaged in the business of selling or  
22 leasing goods or services if the claim arises out of a communication related  
23 to the person’s sale or lease of the goods or services.

24 “(4) A defendant making a special motion to strike under the provisions  
25 of this section has the initial burden of making a prima facie showing that  
26 the claim against which the motion is made arises out of a statement, docu-  
27 ment or conduct described in subsection (2) of this section. **Except as pro-**  
28 **vided in subsection (5) of this section,** if the defendant meets this burden,  
29 the burden shifts to the plaintiff in the action to establish that there is a  
30 probability that the plaintiff will prevail on the claim by presenting sub-

stantial evidence to support a prima facie case. If the plaintiff meets this burden, the court shall deny the motion.

**“(5) In addition to the requirements of subsection (4) of this section, if the special motion to strike is against a claim of defamation and the defendant meets the initial burden of making a prima facie showing that the defamation claim arises out of a statement, document or conduct described in subsection (2)(b) of this section, the burden shifts to the plaintiff in the action to establish that there is a probability that the plaintiff will prevail on the claim by presenting substantial evidence to support a prima facie case, and that there is a probability that the defendant acted with malice in making the communication. If the plaintiff meets this burden, the court shall deny the motion.**

“[(5)] **(6)** In making a determination under subsection (1) of this section, the court shall consider pleadings and supporting and opposing affidavits stating the facts upon which the liability or defense is based.

“[(6)] **(7)** If the court determines that the plaintiff has established a probability that the plaintiff will prevail on the claim:

“(a) The fact that the determination has been made and the substance of the determination may not be admitted in evidence at any later stage of the case; and

“(b) The determination does not affect the burden of proof or standard of proof that is applied in the proceeding.”.