

CHAPTER 93

FREEDOM OF SPEECH, PRESS, ASSEMBLY, PETITION, AND ASSOCIATION — SPECIAL MOTION FOR EXPEDITED RELIEF

H.F. 472

AN ACT creating a special motion for expedited relief in actions involving the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **652.1 Title.**

[This chapter](#) may be cited as the “Uniform Public Expression Protection Act”.

Sec. 2. NEW SECTION. **652.2 Scope.**

1. As used in [this section](#):

a. “Goods or services” does not include the creation, dissemination, exhibition, or advertisement or similar promotion of a dramatic, literary, musical, political, journalistic, or artistic work.

b. “Governmental unit” means a public corporation or government or governmental subdivision, agency, or instrumentality.

2. Except as otherwise provided in [subsection 3](#), [this chapter](#) applies to a cause of action asserted in a civil action against a person based on any of the following of the person:

a. Communication in a legislative, executive, judicial, administrative, or other governmental proceeding.

b. Communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding.

c. Exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the Constitution of the United States or the Constitution of the State of Iowa, on a matter of public concern.

3. [This chapter](#) does not apply to any of the following causes of action asserted:

a. Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity.

b. By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety.

c. Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the person’s sale or lease of the goods or services.

Sec. 3. NEW SECTION. **652.3 Special motion for expedited relief.**

Not later than sixty days after a party is served with a petition, crossclaim, counterclaim, third-party claim, or other pleading that asserts a cause of action to which [this chapter](#) applies, or at a later time on a showing of good cause, the party may file a special motion for expedited relief to dismiss the cause of action or part of the cause of action.

Sec. 4. NEW SECTION. **652.4 Stay.**

1. Except as otherwise provided in [subsections 4 through 7](#), on the filing of a motion under [section 652.3](#), all of the following apply:

a. All other proceedings between the moving party and responding party, including discovery and a pending hearing or motion, are stayed.

b. On motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the motion under [section 652.3](#).

2. A stay under [subsection 1](#) remains in effect until entry of an order ruling on the motion under [section 652.3](#) and expiration of the time under [section 652.9](#) for the moving party to appeal the order.

3. Except as otherwise provided in [subsections 5, 6, and 7](#), if a party appeals from an order ruling on a motion under [section 652.3](#), all proceedings between all parties in the action are stayed. The stay remains in effect until the conclusion of the appeal.

4. During a stay under [subsection 1](#), the court may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden under [section 652.7, subsection 1](#), and the information is not reasonably available unless discovery is allowed.

5. A motion under [section 652.10](#) for costs, attorney fees, and expenses is not subject to a stay under [this section](#).

6. A stay under [this section](#) does not affect a party's ability to voluntarily dismiss a cause of action or part of a cause of action or move to sever a cause of action.

7. During a stay under [this section](#), the court for good cause may hear and rule on all of the following:

a. A motion unrelated to the motion under [section 652.3](#).

b. A motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

Sec. 5. NEW SECTION. 652.5 Hearing.

1. The court shall hear a motion under [section 652.3](#) not later than sixty days after filing of the motion, unless the court orders a later hearing for any of the following:

a. To allow discovery under [section 652.4, subsection 4](#).

b. For other good cause.

2. If the court orders a later hearing under [subsection 1](#), paragraph "a", the court shall hear the motion under [section 652.3](#) not later than sixty days after the court order allowing the discovery, unless the court orders a later hearing under [subsection 1](#), paragraph "b".

Sec. 6. NEW SECTION. 652.6 Proof.

In ruling on a motion under [section 652.3](#), the court shall consider the pleadings, the motion, any reply or response to the motion, and any evidence that could be considered in ruling on a motion for summary judgment under [rule of civil procedure 1.981](#).

Sec. 7. NEW SECTION. 652.7 Dismissal of cause of action in whole or part.

1. In ruling on a motion under [section 652.3](#), the court shall dismiss with prejudice a cause of action, or part of a cause of action, if all of the following are true:

a. The moving party establishes under [section 652.2, subsection 2](#), that [this chapter](#) applies.

b. The responding party fails to establish under [section 652.2, subsection 3](#), that [this chapter](#) does not apply.

c. Any of the following are true:

(1) The responding party fails to establish a prima facie case as to each essential element of the cause of action.

(2) The moving party establishes that any of the following:

(a) The responding party failed to state a cause of action upon which relief can be granted.

(b) There is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law on the action or part of an action.

2. A voluntary dismissal without prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under [section 652.3](#) does not affect a moving party's right to obtain a ruling on the motion and seek costs, attorney fees, and expenses under [section 652.10](#).

3. A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under [section 652.3](#) establishes for the purpose of [section 652.10](#) that the moving party prevailed on the motion.

Sec. 8. NEW SECTION. 652.8 Ruling.

The court shall rule on a motion under [section 652.3](#) not later than sixty days after a hearing under [section 652.5](#).

Sec. 9. NEW SECTION. 652.9 Appeal.

A moving party may appeal as a matter of right from an order denying, in whole or in part, a motion under [section 652.3](#). The appeal must be filed not later than thirty days after entry of the order.

Sec. 10. NEW SECTION. **652.10 Costs, attorney fees, and expenses.**

On a motion under [section 652.3](#), the court shall award court costs, reasonable attorney fees, and reasonable litigation expenses related to the motion in the following circumstances:

1. To the moving party if the moving party prevails on the motion.
2. To the responding party if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with intent to delay the proceeding.

Sec. 11. NEW SECTION. **652.11 Construction.**

[This chapter](#) shall be broadly construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, guaranteed by the Constitution of the United States or the Constitution of the State of Iowa.

Sec. 12. NEW SECTION. **652.12 Uniformity of application and construction.**

In applying and construing [this chapter](#), consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 13. APPLICABILITY. This Act applies to a civil action filed on or after the effective date of this Act.

Approved May 19, 2025