

Statute 1 - Cult Leader Accountability

Section 4391. Action against cult leader or recruiter.

(a) In this section:

- (1) “Cult” means a group of three or more persons, whether or not associated in law, wherein there one or more persons exerts substantial control over the personal decisions of members through actual or threatened physical force, restraint, isolation from friends and family, theft of property, denial of access to resources, deprivation of food or water, sleep deprivation, threats to disclose information disclosed in confidence or which would otherwise cause embarrassment or financial harm, or shaming.
- (2) “Cult leader” means a person who participates in a cult and who exerts control over members thereof of the kind described in paragraph (1), regardless of whether such person is themselves accountable to another person in the cult.
- (3) “Recruiter” means a person who, knowing that a group is a cult, intentionally advertises such cult, recruits for such cult, or permits a means of communication owned or controlled by such person to be used for advertising or recruiting for such cult.

(b) A person may recover damages from a cult leader or a recruiter, if:

- (1) The plaintiff was a member of a cult; and
- (2) The defendant:
 - (A) Recruited the plaintiff into such cult and another person exerted control of the kind described in subsection (a)(1) against the plaintiff while the plaintiff was a member of such cult; or
 - (B) Exerted control of the kind described in subsection (a)(1) against the plaintiff while the plaintiff was a member of such cult.

(c) A person may recover damages from a cult leader or a recruiter, if:

- (1) A spouse, domestic partner, or family member of the plaintiff was a member of a cult;
- (2) The defendant:
 - (A) Recruited such person into such cult and another person exerted control of the kind described in subsection (a)(1) against such person while such person was a member of such cult; or
 - (B) Exerted control of the kind described in subsection (a)(1) against the plaintiff while such person was a member of such cult; and
- (3) As a result of the defendant’s conduct described in paragraph (2), the plaintiff suffered emotional, financial, or reputational harm, which harm need not be more than the loss of normal desired interactions with the person in question.

(d) In the case of a suit under subsection (c), such suit shall be dismissed if the person alleged to have been recruited into the cult submits an affidavit indicating that the person consents to the defendant’s conduct and evinces an ability to

intelligently appraise conduct. This subsection does not require such person to move to intervene in the case.

(e) A suit under this section may be brought not later than 10 years after the later of the following:

(1) The last day in which the plaintiff or another person, as the case may be, was a member of the cult in question.

(2) The day the plaintiff discovers, or through the exercise of due diligence could have reasonably discovered, the facts giving rise to such suit.

(f) A defendant in a suit under this section may raise as a defense that the defendant's conduct was the result of being a member of the cult in question and of being subject to control of the kind described in subsection (a)(1). If the trier of fact finds that the defendant has proven those facts by a preponderance of the evidence, it shall find the defendant not liable for all conduct to which such defense applies. This section does not apply if the plaintiff pleads and proves that the defendant's relevant conduct was committed for financial gain.

(g) A person in respect of whom a suit under this section has been filed shall be appointed counsel upon a showing that the person does not agree with the suit or has interests likely to be affected by such suit that are not aligned with those of the person filing such suit. The right to counsel under this subsection shall not be waived or forfeited until the person has been informed of such right.

(h) This section shall not be construed to impose liability for any conduct which is protected by the Constitution of the United States or of this State, or which is otherwise declared to be lawful by any federal or state statute.

EXPLANATION:

The purpose of this law is to hold cult leaders accountable for their actions in two ways. The first is by permitting former cult members to sue anyone who led them in a cult or recruited them into a cult; the second is to create a cause of action similar to alienation of affection/loss of consortium for a relative or spouse of a person who has been drawn into a cult. Cults are uniquely dangerous on account of the inherent loss of individual autonomy they foster, not to mention the fact that they very often entail sexual abuse (including of children), financial exploitation and fraud, and involuntary labor, and, at times, lead to murder or suicide. Of course, not all cults wind up as the People's Temple in Jonestown, Guyana, or Heaven's Gate did, but this law would help prevent things from reaching that point.

At the same time, it is important to ensure that a law designed in large part to punish those who rob others of their autonomy does not become a tool for robbing people of their autonomy. A person should not be allowed to, say, sue the person who taught their child to question authority or convinced their adult spouse to have an affair, or to have a court declare that an adult who has made a lifestyle choice would not have done so but for the influence of someone else, even if that choice was very much unconventional. Indeed, allowing lawsuits in these cases would be a major violation of an adult's right to make their own life choices and would reward people who abuse the legal process as a means of control. Therefore, a defendant in a cult accountability lawsuit would be able to seek dismissal on the grounds that the person allegedly inducted into the cult has consistently and voluntarily consented to the defendant's

conduct (and is able to do so), or the person themselves may do so. However, a person's failure to move to intervene should not preclude someone from raising that argument on their behalf, as it is not expected that most people will be familiar with the legal process surrounding intervention in civil suits.

Cult leaders are also liable to be criminally prosecuted under neutral laws of general applicability, such as murder (in the case of Charles Manson, who did not kill anyone himself, but directed his followers to do so) or fraud (if they make materially false representations or promises to induce donations). However, this is an imperfect solution. For one, it is not always possible to prove that a cult leader engaged in the conduct required to make them criminally liable for directing the criminal conduct of another, as cult members may be reluctant to testify, even if doing so would help them. Additionally, with respect to fraud, religious belief on its own cannot be a basis for a fraud prosecution, even if the statements imputed are objectively false. For example, a person who promises to put a person in touch with God in exchange for a fee cannot be convicted of fraud if he genuinely believes that he is, in fact, allowing the donor to communicate with God (see *United States v. Ballard*, 322 U.S. 78 (1944)). However, stating that a particular item has a provenance or chemical composition that it does not can constitute actionable fraud, even if it has religious significance, so long as the defendant knows that he is saying something materially false (see *United States v. Runner*, __ F.4th __ (2d Cir. 2025)).

It is important, however, to ensure that a cult leader accountability law does not become a tool that an overly zealous prosecutor could use against religion generally or against particular disfavored religious ideas or sects. It is also important to preclude the possibility that ordinary political movements or demographic groups (ie, gay or Hispanic people) could be classified as cults. This would be mitigated by the fact that there would not be any government or other authority with the power to classify any group as a cult; instead, individual cases would require the trier of fact to determine whether a particular group meets the legal standard based on the plaintiff's pleading and proof. The fact that a group has been adjudicated a cult in one case may be relevant to a different case, but should not be conclusive.

Statute 2 - Rule of Evidence

Rule 416. Evidence regarding coercive control cult membership.

- (a) In any case in which the defendant's civil or criminal liability is predicated upon conduct of another, evidence may be admitted which tends to prove that:
 - (1) The defendant and such other person had a relationship in which:
 - (A) The defendant subjected such other person to coercive control; or
 - (B) Such other person was a member of a cult and the defendant was a cult leader or recruiter thereof; and

- (2) Such other person engaged in the conduct for which the defendant is allegedly liable at the defendant's request, instigation, command, or behest, or with the defendant's assent.
- (b) In any case, evidence may be admitted which tends to prove that a person was a member of a cult or was subject to coercive control, in order to explain the person's behavior, thoughts, or speech. Such evidence shall not be introduced in order to prove or support the guilt or liability of such person.
- (c) In this section:
 - (1) "Cult," "cult leader," and "recruiter" have the meanings given such terms in section 4391.
 - (2) "Coercive control" means a relationship between two persons in which one person intentionally influences the behavior of the other through any of the behavior described in section 4391(a)(1).

EXPLANATION:

It is a matter of fundamental importance that a party be able to provide evidence for a claim or defense they are raising, and modern science underscores the extent to which coercive control and cult membership can influence a person. Thus, if a person is attempting to raise a defense such as duress, or mitigate their conduct, they should be able to introduce relevant evidence to support it. Additionally, this evidence would facilitate claims based on vicarious liability of cult leaders and perpetrators of coercive control, in that it would allow the plaintiff to demonstrate that the actor acted at the defendant's behest.

However, a party should not be free to prove a person's guilt or liability by showing that such person was subject to coercive control, for several reasons. First, doing so would almost certainly entail access to the person's medical and psychiatric information, which is generally privileged. Second, while the law does not always recognize coercive control as a defense (especially to a civil case), neither is it an aggravating factor with respect to the person subject to it. And third, the purpose of this hypothetical Rule 416 is to hold accountable perpetrators of coercive control, not to incidentally harm their victims.

Statute 3 - Cover-Up Accountability

My proposed statute:

Section 2301. Cover-up accountability.

- (a) In this section:
 - (1) "Cover-up" means a deliberate effort to (i) conceal, destroy, or alter evidence, or (ii) to prevent the testimony of another person, or (iii) to prevent the reporting of an incident or the initiation of a legal claim, relating to sexual misconduct or discrimination or in respect of another

person's legal claim or defense. A cover-up requires one or more of the following:

(A) Actual contact or communication, whether in-person or otherwise, between the actor and the person who was the alleged victim of sexual misconduct or whose testimony is intended to be prevented or whose legal claim or defense is at issue.

(B) The commission of coercion in the first or second degree.

(C) The deletion or destruction of any legal record, including a police statement, physical evidence, or court transcript.

(2) "Sexual misconduct" means:

(A) Unlawful sexual conduct which is criminal for any reason or which is unwelcome and pervasive; or

(B) The intentional transmission of a sexually-transmitted disease to another person.

(3) "Discrimination" means any adverse action taken against a person on the grounds of race, color, religion, national origin, sex (including gender presentation, gender identity, and sexual orientation), marital status, pregnancy or parenting status, or disability, if such action is in violation of any applicable state, federal, or local law.

(b) A person who has been subjected to or adversely affected by a cover-up may bring a suit for damages against any person who has committed, taken part in, or acquiesced to such cover-up. Such suit must be brought within 15 years after the latest of:

(1) The plaintiff reaching the age of 18 years; or

(2) The most recent act in furtherance of the cover-up.

(c) For a suit under this section to be initiated, it is not necessary for a criminal case to have been initiated or for a police report to have been made or received.

Nothing in this subsection shall be construed to limit what evidence may be introduced in a suit under this section.

(d) When a suit under this section names more than one defendant, the failure to prove the liability of one shall not invalidate or impair the suit as applied to the others.

(e) For purposes of subsection (b)(2), an act is committed in furtherance of a cover-up if the act shares the purpose described in subsection (a)(1), regardless of who is performing the act and whether the act is otherwise described in subsection (a)(1)(A), (B), or (C).

(f) The following evidence shall be admissible in a suit under this section:

(1) Evidence that the underlying instance or instances of sexual misconduct or discrimination occurred.

(2) Evidence that the defendant or defendants engaged in a cover-up, including the means and purposes of such cover-up.

- (3) Evidence that the plaintiff was the target of, or was otherwise impaired in any way by, the cover-up.
- (4) Evidence that the plaintiff did not previously bring a suit or make a formal complaint on account of the actions taken by the defendant or defendants.
- (g) A suit under this section shall identify, with as much specificity as possible, the basis therefor under subsection (a). Insufficient specificity shall not be grounds for dismissal of a suit, but shall be grounds for an adverse inference, unless the plaintiff establishes that the defendant or defendants are at fault for an inability to show the requisite specificity.

Existing statute (CA):

California Code of Civil Procedure Section 340.16.

(a) In any civil action for recovery of damages suffered as a result of sexual assault, where the assault occurred on or after the plaintiff's 18th birthday, the time for commencement of the action shall be the later of the following:

- (1) Within 10 years from the date of the last act, attempted act, or assault with the intent to commit an act, of sexual assault against the plaintiff.
- (2) Within three years from the date the plaintiff discovers or reasonably should have discovered that an injury or illness resulted from an act, attempted act, or assault with the intent to commit an act, of sexual assault against the plaintiff.

(b)

(1) As used in this section, "sexual assault" means any of the crimes described in Section 243.4, 261, 264.1, 286, 287, or 289, or former Sections 262 and 288a, of the Penal Code, assault with the intent to commit any of those crimes, or an attempt to commit any of those crimes.

(2) For the purpose of this section, it is not necessary that a criminal prosecution or other proceeding have been brought as a result of the sexual assault or, if a criminal prosecution or other proceeding was brought, that the prosecution or proceeding resulted in a conviction or adjudication. This subdivision does not limit the availability of causes of action permitted under subdivision (a), including causes of action against persons or entities other than the alleged person who committed the crime.

(3) This section applies to any action described in subdivision (a) that is based upon conduct that occurred on or after January 1, 2009, and is commenced on or after January 1, 2019, that would have been barred solely because the applicable statute of limitations has or had expired. Such claims are hereby revived and may be commenced until December 31, 2026. This subdivision does not revive any of the following claims:

- (A) A claim that has been litigated to finality in a court of competent jurisdiction before January 1, 2023.

(B) A claim that has been compromised by a written settlement agreement between the parties entered into before January 1, 2023.

(c)

(1) Notwithstanding any other law, any claim seeking to recover more than two hundred fifty thousand dollars (\$250,000) in damages arising out of a sexual assault or other inappropriate contact, communication, or activity of a sexual nature by a physician occurring at a student health center between January 1, 1988, and January 1, 2017, that would otherwise be barred before January 1, 2020, solely because the applicable statute of limitations has or had expired, is hereby revived and, a cause of action may proceed if already pending in court on October 2, 2019, or, if not filed by that date, may be commenced between January 1, 2020, and December 31, 2020.

(2) This subdivision does not revive any of the following claims:

(A) A claim that has been litigated to finality in a court of competent jurisdiction before January 1, 2020.

(B) A claim that has been compromised by a written settlement agreement between the parties entered into before January 1, 2020.

(C) A claim brought against a public entity.

(3) An attorney representing a claimant seeking to recover under this subdivision shall file a declaration with the court under penalty of perjury stating that the attorney has reviewed the facts of the case and consulted with a mental health practitioner, and that the attorney has concluded on the basis of this review and consultation that it is the attorney's good faith belief that the claim value is more than two hundred fifty thousand dollars (\$250,000). The declaration shall be filed upon filing the complaint, or for those claims already pending, by December 1, 2019.

(d)

(1) Notwithstanding any other law, any claim seeking to recover damages arising out of a sexual assault or other inappropriate contact, communication, or activity of a sexual nature by a physician while employed by a medical clinic owned and operated by the University of California, Los Angeles, or a physician who held active privileges at a hospital owned and operated by the University of California, Los Angeles, at the time that the sexual assault or other inappropriate contact, communication, or activity of a sexual nature occurred, between January 1, 1983, and January 1, 2019, that would otherwise be barred before January 1, 2021, solely because the applicable statute of limitations has or had expired, is hereby revived, and a cause of action may proceed if already pending in court on January 1, 2021, or, if not filed by that date, may be commenced between January 1, 2021, and December 31, 2021.

(2) This subdivision does not revive either of the following claims:

(A) A claim that has been litigated to finality in a court of competent jurisdiction before January 1, 2021.

(B) A claim that has been compromised by a written settlement agreement between the parties entered into before January 1, 2021.

(e)

(1) Notwithstanding any other law, any claim seeking to recover damages suffered as a result of a sexual assault that occurred on or after the plaintiff's 18th birthday that would otherwise be barred before January 1, 2023, solely because the applicable statute of limitations has or had expired, is hereby revived, and a cause of action may proceed if already pending in court on January 1, 2023, or, if not filed by that date, may be commenced between January 1, 2023, and December 31, 2023.

(2) This subdivision revives claims brought by a plaintiff who alleges all of the following:

(A) The plaintiff was sexually assaulted.

(B) One or more entities are legally responsible for damages arising out of the sexual assault.

(C) The entity or entities, including, but not limited to, their officers, directors, representatives, employees, or agents, engaged in a cover up or attempted a cover up of a previous instance or allegations of sexual assault by an alleged perpetrator of such abuse.

(3) Failure to allege a cover up as required by subparagraph (C) of paragraph (2) as to one entity does not affect revival of the plaintiff's claim or claims against any other entity.

(4) For purposes of this subdivision:

(A) "Cover up" means a concerted effort to hide evidence relating to a sexual assault that incentivizes individuals to remain silent or prevents information relating to a sexual assault from becoming public or being disclosed to the plaintiff, including, but not limited to, the use of nondisclosure agreements or confidentiality agreements.

(B) "Entity" means a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity.

(C) "Legally responsible" means that the entity or entities are liable under any theory of liability established by statute or common law, including, but not limited to, negligence, intentional torts, and vicarious liability.

(5) This subdivision revives any related claims, including, but not limited to, wrongful termination and sexual harassment, arising out of the sexual assault that is the basis for a claim pursuant to this subdivision.

(6) This subdivision does not revive either of the following claims:

(A) A claim that has been litigated to finality in a court of competent jurisdiction before January 1, 2023.

(B) A claim that has been compromised by a written settlement agreement between the parties entered into before January 1, 2023.

(7) This subdivision shall not be construed to alter the otherwise applicable burden of proof, as defined in Section 115 of the Evidence Code, that a plaintiff has in a civil action subject to this section.

(8) Nothing in this subdivision precludes a plaintiff from bringing an action for sexual assault pursuant to subdivisions (a) and (b).

EXPLANATION:

The main distinction between the existing California Sexual Abuse and Cover Up Accountability Act (Code of Civil Procedure Section 340.16(e)) and my proposed statute is that the former only applies to cover-ups of sexual assault, which is elsewhere defined (Section 340.16(b)(1)) as conduct which is necessarily criminal, while the latter is not so confined. Under the existing law, a plaintiff who is noncriminally sexually harassed (such as being subjected to voyeurism, unwelcome and pervasive sexual comments, or lewd exposure not amounting to sexual assault), or who is denied opportunities on account of race or sex, would not be able to allege a cover-up and thereby revive an otherwise time-barred claim. That should not be the case, as the same institutional forces which prevent sexual assault victims from speaking out when their claims are ripe also prevent victims of sexual harassment and discrimination from coming forward. Because all three wrongs, when backed up by a concerted effort to conceal, rely on similar power structures, all three should be able to rely on the law to avoid a cover-up.

Notably, California Civil Code Section 47.1(d) includes sexual assault, harassment, and discrimination in its broad sweep, creating existing state precedent. That law aims to shield reports of such incidents from defamation actions, which actions are often weaponized as part of a cover-up. Even when the cover-up does not include abuse of the legal process, it should not be a valid means of drawing out or defeating an otherwise-valid lawsuit.

Similarly, the law should reflect that a cover-up is not just a factor in extending the statute of limitations in the underlying case, but a wrong in and of itself, as it places victims in fear of speaking out, shifts the shame from the perpetrator to the victim, and allows for further victimization by suppressing the free exchange of facts and information and thereby leaving future victims in the dark. Those involved in a cover-up should be held accountable for that fact alone.

My proposed statute reflects the fact that sexual assault and discrimination primarily affect the direct victim, as does a cover-up, but a cover-up also takes away from society as a whole, as it represents the abuse of the legal process for malicious private ends. The law ought to ensure that it is used for and only for lawful purposes, such as making valid claims and raising valid defenses, and not as a means of harassing others or even to prevent others from raising valid claims or defenses.

Statute 4 - Anti-SLAPP

My proposed statute:

Section 1521.

- (a) The Legislature finds and declares that there has been a disturbing increase in lawsuits brought primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances. The Legislature finds and declares that it is in the public interest to encourage continued participation in matters of public significance, and that this participation should not be chilled through abuse of the judicial process. To this end, this section shall be construed broadly.
- (b) In this section:
 - (1) “Complaint” includes “cross-complaint” and “petition,” “plaintiff” includes “cross-complainant” and “petitioner,” and “defendant” includes “cross-defendant” and “respondent.”
 - (2) “Protected speech” means:
 - (A) Any testimony given as part of a legal or administrative proceeding, unless it is established that such testimony is false;
 - (B) A report to a law enforcement officer regarding a violation or perceived violation of the law, provided such report is made in good faith; or
 - (C) Any speech made in a public place (including by means of public means of communication) that is lawful and is relevant to a matter of public concern or to a violation of the law.
 - (3) “Speech-based lawsuit”:
 - (A) Means any civil action arising primarily out of speech or expressive conduct of another person, including, but not limited to, defamation, harassment, intentional or negligent infliction of emotional distress, tortious interference with business or contractual relationships, or copyright infringement; and
 - (B) Does not include an enforcement action brought by a public official in the name of the people.
 - (4) “SLAPP suit” means any speech-based lawsuit:
 - (A) Which is intended to retaliate against any person for engaging in protected speech; and
 - (B) Which the plaintiff does not reasonably believe to give cause for the taking of legal action.
- (c) A defendant in a speech-based lawsuit may move to dismiss the case or strike a cause of action on the grounds that such lawsuit is a SLAPP suit. Thereafter, the following rules shall apply:

- (1) If the court determines, from the plaintiff's pleadings alone, that the lawsuit is a SLAPP suit or is otherwise legally deficient, it shall grant the motion to dismiss or strike.
 - (2) If the court does not make a determination described in paragraph (1), it shall examine the pleadings from all the parties, as well as supporting and opposing affidavits stating the facts upon which the liability or defense is based. If, from such examination, it determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim, then it shall deny the motion with respect to such claim.
 - (3) If the court determines that the plaintiff has established a probability that he or she will prevail on the claim, neither that determination nor the fact of that determination shall be admissible in evidence at any later stage of the case, or in any subsequent action, and no burden of proof or degree of proof otherwise applicable shall be affected by that determination in any later stage of the case or in any subsequent proceeding.
- (d) When the court rules for the defendant in a motion to dismiss or strike pursuant to this section, the defendant shall be entitled to recover attorney's fees for all proceedings in the case occurring prior to the decision. In the event that the court only partially rules for the defendant, it shall prorate attorney's fees in an equitable manner so as to ensure that the defendant is compensated for all expenses incurred as a result of those parts of the complaint deemed to be subject to the motion to dismiss or strike.
- (e) A motion pursuant to this section may be filed within 60 days of the service of the complaint or, in the court's discretion, at any later time upon terms it deems proper. The motion shall be scheduled by the clerk of the court for a hearing not more than 30 days after the service of the motion unless the docket conditions of the court require a later hearing.
- (f) —
- (1) Except as provided in paragraph (2), all discovery proceedings shall be stayed upon the filing of a notice of motion pursuant to this section.
 - (2) If the party seeking discovery proves by clear and convincing evidence that discovery is necessary to decide a motion pursuant to this section, then the court shall order discovery limited to the materials necessary for that purpose.
 - (3) If the motion pursuant to this section only relates to part of the complaint, then the court shall order discovery limited to the materials related to the parts of the complaint not affected by the motion.
 - (4) This subsection shall not be construed to preclude the admissibility of evidence discovered inadvertently as the result of discovery ordered by the court.

- (g) The grant or denial of a motion pursuant to this section shall be subject to interlocutory appeal by the losing party.

Current statute (CA):

California Civil Procedure Code Section 425.16

(a) The Legislature finds and declares that there has been a disturbing increase in lawsuits brought primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances. The Legislature finds and declares that it is in the public interest to encourage continued participation in matters of public significance, and that this participation should not be chilled through abuse of the judicial process. To this end, this section shall be construed broadly.

(b) (1) A cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue shall be subject to a special motion to strike, unless the court determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim.

(2) In making its determination, the court shall consider the pleadings, and supporting and opposing affidavits stating the facts upon which the liability or defense is based.

(3) If the court determines that the plaintiff has established a probability that he or she will prevail on the claim, neither that determination nor the fact of that determination shall be admissible in evidence at any later stage of the case, or in any subsequent action, and no burden of proof or degree of proof otherwise applicable shall be affected by that determination in any later stage of the case or in any subsequent proceeding.

(c) (1) Except as provided in paragraph (2), in any action subject to subdivision (b), a prevailing defendant on a special motion to strike shall be entitled to recover his or her attorney's fees and costs. If the court finds that a special motion to strike is frivolous or is solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney's fees to a plaintiff prevailing on the motion, pursuant to Section 128.5. (2) A defendant who prevails on a special motion to strike in an action subject to paragraph (1) shall not be entitled to attorney's fees and costs if that cause of action is brought pursuant to Section 6259, 11130, 11130.3, 54960, or 54960.1 of the Government Code. Nothing in this paragraph shall be construed to prevent a prevailing defendant from recovering attorney's fees and costs pursuant to subdivision (d) of Section 6259, 11130.5, or 54690.5.

(d) This section shall not apply to any enforcement action brought in the name of the people of the State of California by the Attorney General, district attorney, or city attorney, acting as a public prosecutor.

(e) As used in this section, "act in furtherance of a person's right of petition or free speech under the United States or California Constitution in connection with a public

issue” includes: (1) any written or oral statement or writing made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law, (2) any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law, (3) any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest, or (4) any other conduct in furtherance of the exercise of the constitutional right of petition or the constitutional right of free speech in connection with a public issue or an issue of public interest.

(f) The special motion may be filed within 60 days of the service of the complaint or, in the court’s discretion, at any later time upon terms it deems proper. The motion shall be scheduled by the clerk of the court for a hearing not more than 30 days after the service of the motion unless the docket conditions of the court require a later hearing.

(g) All discovery proceedings in the action shall be stayed upon the filing of a notice of motion made pursuant to this section. The stay of discovery shall remain in effect until notice of entry of the order ruling on the motion. The court, on noticed motion and for good cause shown, may order that specified discovery be conducted notwithstanding this subdivision.

(h) For purposes of this section, “complaint” includes “cross-complaint” and “petition,” “plaintiff” includes “cross-complainant” and “petitioner,” and “defendant” includes “cross-defendant” and “respondent.”

(i) An order granting or denying a special motion to strike shall be appealable under Section 904.1.

(j) (1) Any party who files a special motion to strike pursuant to this section, and any party who files an opposition to a special motion to strike, shall, promptly upon so filing, transmit to the Judicial Council, by e-mail or facsimile, a copy of the endorsed, filed caption page of the motion or opposition, a copy of any related notice of appeal or petition for a writ, and a conformed copy of any order issued pursuant to this section, including any order granting or denying a special motion to strike, discovery, or fees. (2) The Judicial Council shall maintain a public record of information transmitted pursuant to this subdivision for at least three years, and may store the information on microfilm or other appropriate electronic media.

EXPLANATION:

Strategic lawsuits against public participation (SLAPP suits) are those which aim to retaliate against a person for having expressed an opinion, or to deter others from

doing so, and which lack a legitimate cause of action. In other words, the person bringing a SLAPP suit almost certainly knows that the person they are suing has done nothing illegal, but intends to use the lawsuit itself as a weapon. Frequently, SLAPP suits are weaponized by the wealthy and powerful against less resourced defendants, and in those cases, the expense and time of a court case can be a major blow.

The law should aim to deal with SLAPPs in two specific ways. First, there ought to be an expedited way to have a case dismissed if the plaintiff cannot show sufficient cause to allow it to go forward, and if the case arises from speech. And second, a prevailing defendant who proves that the suit is a SLAPP should be entitled to attorney's fees and punitive damages, to deter these kinds of suits and to take away their ability to intimidate defendants. At the same time, the law should not aim to punish plaintiffs for making meritorious but ultimately unsuccessful claims, nor to require that cases be watertight in order to survive a motion to dismiss (after all, that is the point of the trial, to determine the strength of the case). It is therefore important to craft a law that protects speech but which does not tip the scale in favor of the defendant.

In the US, speech on matters of public concern is entitled to special constitutional protections. See *Snyder v. Phelps*, 562 U.S. 443 (2011) as a relevant case. However, that opens another question: should anti-SLAPP laws only protect that kind of speech, or should they go farther? Similarly, what, exactly, is "speech on a matter of public concern?" Is accusing someone of sexual harassment so considered? Does it make a difference whether the alleged harassment is committed at home, in the workplace, or somewhere else? Does it matter whether it is a civil or criminal offense?

Additionally, and especially in the context of defamation suits arising from allegations of false allegations of sexual misconduct, courts have generally held that anti-SLAPP motions cannot be used to wade into factual disputes involving two contradicting statements. I do not wish to change that, as determining credibility is best reserved for the jury, or at least for the court in the main trial stage. Allowing too many cases to be dismissed before then would necessarily dismiss potentially meritorious ones, where the merit has yet to be determined.

Statute 5 - Kidnapping, Coercion, and Related Offenses

My proposed statute:

Section 55.01. Definitions.

In this chapter:

- (1) "Restrain" means to restrict a person's movements intentionally and unlawfully in such manner as to interfere substantially with his liberty by moving him from one place to another, or by confining him either in the place where the restriction commences or in a place to which he has been moved, without consent and with knowledge that the restriction is unlawful. A person does not restrain another if such restriction is purely incidental to another act. A person is so moved or confined "without consent" when such is accomplished by (a) physical force,

intimidation or deception, or (b) any means whatever, including acquiescence of the victim, if he is a child less than sixteen years old or an incompetent person and the parent, guardian or other person or institution having lawful control or custody of him has not acquiesced in the movement or confinement.

- (2) "Abduct" means to restrain a person with intent to prevent his liberation by either (a) secreting or holding him in a place where he is not likely to be found, or (b) using or threatening to use deadly physical force.
- (3) "Relative," in relation to a child less than sixteen years old, means a parent, guardian, or lineal or lateral ascendant.
- (4) "Abuse or threatened abuse of law or legal process" means:
 - (a) Accusing or threatening to accuse another person of a criminal offense;
 - (b) Reporting or threatening to report the immigration status of another person;
 - (c) Instituting, causing to be instituted, or threatening to institute or cause to be instituted legal proceedings against another person or against a business, when the actor knows such proceedings to be without merit;
 - (d) Using or threatening to use an actual or purported public office or any power held thereby to cause harm of any kind to another person; or
 - (e) Taking or threatening to take any action against another person using and law or legal procedure in a manner for which such law or procedure is not intended, in order to compel or induce another person to act or to abstain from acting.
- (5) "Labor" means work or services entailing the expenditure of effort beyond a minimal amount, regardless of whether or not there exists a contract, whether it is legal, and whether it is permanent or temporary. The term does not include normal household chores of a child, provided such chores are otherwise lawful.

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Section 55.07. Coercion in the second degree.

A person is guilty of a class A misdemeanor when he or she compels or induces a person to engage in conduct which the latter has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which he or she has a legal right to engage, or compels or induces a person to join a group, organization, or criminal enterprise which such latter person has a right to abstain from joining, or compels or induces a person to produce, disseminate, or otherwise display an image or images depicting nudity of such person or depicting such person engaged in sexual conduct, by means of instilling in him or her a fear that, if the demand is not complied with, the actor or another will:

- (1) Use physical force against another person or restrain another person;
- (2) Cause damage to property of another;
- (3) Engage in abuse or threatened abuse of law or legal process;

- (4) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some living person to hatred, contempt or ridicule;
- (5) Cause a strike, boycott or other collective labor group action injurious to some person's business; except that such a threat shall not be deemed coercive when the act or omission compelled is for the benefit of the group in whose interest the actor purports to act; or
- (6) Perform any other act which would not in itself materially benefit the actor but which is calculated to harm another person materially with respect to his or her health, safety, business, calling, career, financial condition, reputation or personal relationships.

Section 55.08. Coercion in the first degree.

A person is guilty of a class D felony when he or she commits coercion in the second degree and thereby causes the victim to:

- (1) Engage in vaginal intercourse, oral intercourse, or anal intercourse;
- (2) Commit or attempt to commit a felony, or cause or attempt to cause bodily harm to another person; or
- (3) Violate his or her duty as a public servant.

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Section 55.20. Forced labor.

A person is guilty of a class C felony when he or she knowingly obtains, maintains, or provides labor from another person:

- (1) By using or placing such person in fear that another person will use physical force or restraint against any person;
- (2) By causing or placing such person in fear that another person will cause damage to property of another;
- (3) By the abuse or threatened abuse of law or legal process;
- (4) By exposing a secret or publicizing an asserted fact, or placing such person in fear that another person will expose a secret or publicize an asserted fact, whether true or false, tending to subject some living person to hatred, contempt or ridicule;
- (5) By requiring that labor be performed in order to service, retire, or repay an actual or purported debt; or
- (6) By performing or placing such person in fear that another person will perform any other act which need not in itself materially benefit the actor but which is calculated to harm another person materially with respect to his or her health, safety, business, calling, career, financial condition, reputation, or personal relationships.

Section 55.21. Human trafficking.

A person is guilty of a class B felony when he or she knowingly harbors, recruits, maintains, or transports, or arranges, conducts, or facilitates the travel or movement of, another person, intending that such person will be subject to conduct which constitutes or which would constitute forced labor, a sexual offense, or the recruitment or use of child soldiers.