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HB 142/95 - JUD

1996 Regular Session  
6r1784  
CF 6r0066

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**By: Delegates Rosenberg, Harkins, Fry, Jacobs, McIntosh, Perry, Preis, Bonsack, Bobo, and Dembrow**

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 20, 1996

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Qualified Immunity from Civil Liability - SLAPP Suits**

3 FOR the purpose of granting qualified immunity from civil liability to a defendant in a  
4 strategic lawsuit against public participation (SLAPP suit) who, when  
5 communicating with a government body or the public at large, in goodfaith,  
6 exercises rights under the First Amendment of the U.S. Constitution or Article 10,  
7 13, or 40 of the Maryland Declaration of Rights regarding certain matters;  
8 describing certain elements of a SLAPP suit; allowing a defendant to move to  
9 dismiss the alleged SLAPP suit and requiring the court to hold a hearing on the  
10 motion as soon as practicable; allowing a defendant to file a motion to stay all court  
11 proceedings until the underlying matter about which the defendant communicated  
12 is resolved; making this Act applicable to SLAPP suits notwithstanding any other  
13 law or rule; providing that this Act does not diminish any equitable or legal right or  
14 remedy otherwise available to a defendant; defining a certain term; providing for  
15 the application of this Act; and generally relating to strategic lawsuits against public  
16 participation (SLAPP suits) and immunity from civil liability in those lawsuits.

17 BY adding to

18 Article - Courts and Judicial Proceedings

19 Section 5-399.7

20 Annotated Code of Maryland

21 (1995 Replacement Volume and 1995 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

23 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Courts and Judicial Proceedings**

2 5-399.7.

3 (A) IN THIS SECTION, "SLAPP SUIT" MEANS A STRATEGIC LAWSUIT AGAINST  
4 PUBLIC PARTICIPATION.

5 (B) A LAWSUIT IS A SLAPP SUIT IF IT IS:

6 (1) BROUGHT IN BAD FAITH AGAINST A PARTY WHO HAS  
7 COMMUNICATED WITH A FEDERAL, STATE, OR LOCAL GOVERNMENT BODY OR THE  
8 PUBLIC AT LARGE TO REPORT ON, COMMENT ON, RULE ON, CHALLENGE, OPPOSE,  
9 OR IN ANY OTHER WAY EXERCISE RIGHTS UNDER THE FIRST AMENDMENT OF THE  
10 U.S. CONSTITUTION OR ARTICLE 10, 13, OR 40 OF THE MARYLAND DECLARATION OF  
11 RIGHTS REGARDING ANY MATTER WITHIN THE AUTHORITY OF THE GOVERNMENT  
12 BODY;

13 (2) MATERIALLY RELATED TO THE DEFENDANT'S COMMUNICATION;  
14 AND

15 (3) INTENDED TO INHIBIT THE EXERCISE OF RIGHTS UNDER THE FIRST  
16 AMENDMENT OF THE U.S. CONSTITUTION OR ARTICLE 10, 13, OR 40 OF THE  
17 MARYLAND DECLARATION OF RIGHTS.

18 (C) A DEFENDANT IN A SLAPP SUIT IS NOT CIVILLY LIABLE FOR  
19 COMMUNICATING WITH A FEDERAL, STATE, OR LOCAL GOVERNMENT BODY OR THE  
20 PUBLIC AT LARGE, IF THE DEFENDANT, IN GOOD FAITH, REPORTS ON, COMMENTS  
21 ON, RULES ON, CHALLENGES, OPPOSES, OR IN ANY OTHER WAY EXERCISES RIGHTS  
22 UNDER THE FIRST AMENDMENT OF THE U.S. CONSTITUTION OR ARTICLE 10, 13, OR 40  
23 OF THE MARYLAND DECLARATION OF RIGHTS REGARDING ANY MATTER WITHIN  
24 THE AUTHORITY OF A GOVERNMENT BODY.

25 (D) IN ADDITION TO FILING A COUNTERCLAIM, A DEFENDANT IN AN  
26 ALLEGED SLAPP SUIT MAY:

27 (1) MOVE TO DISMISS THE ALLEGED SLAPP SUIT, IN WHICH CASE THE  
28 COURT SHALL HOLD A HEARING ON THE MOTION TO DISMISS AS SOON AS  
29 PRACTICABLE; OR

30 (2) FILE A MOTION TO STAY ALL COURT PROCEEDINGS UNTIL THE  
31 MATTER ABOUT WHICH THE DEFENDANT COMMUNICATED TO THE GOVERNMENT  
32 BODY OR THE PUBLIC AT LARGE IS RESOLVED.

33 (E) THIS SECTION:

34 (1) IS APPLICABLE TO SLAPP SUITS NOTWITHSTANDING ANY OTHER  
35 LAW OR RULE; AND

36 (2) DOES NOT DIMINISH ANY EQUITABLE OR LEGAL RIGHT OR REMEDY  
37 OTHERWISE AVAILABLE TO A DEFENDANT IN A SLAPP SUIT.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
39 construed only prospectively and may not be applied or interpreted to have any effect on  
40 or application to any cause of action arising before the effective date of this Act.

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1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect October 1, 1996.