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HB 532/96 - JUD

1997 Regular Session
7r0142

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

Introduced and read first time: January 10, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 11, 1997

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 good faith,
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 in a SLAPP suit
9 to file a counterclaim; allowing a defendant to move to dismiss the alleged SLAPP
10 suit and requiring the court to hold a hearing on the motion as soon as practicable;
11 allowing a defendant to file a motion to stay all court proceedings until the
12 underlying matter about which the defendant communicated is resolved; making
13 this Act applicable to SLAPP suits notwithstanding any other law or rule; providing
14 that this Act does not diminish any equitable or legal right or remedy otherwise
15 available to a defendant; defining a certain term; providing for the application of
16 this Act; and generally relating to strategic lawsuits against public participation
17 (SLAPP suits) and immunity from civil liability in those lawsuits.

18 BY adding to

19 Article - Courts and Judicial Proceedings

20 Section 5-399.8

21 Annotated Code of Maryland

22 (1995 Replacement Volume and 1996 Supplement)

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

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

2

1 **Article - Courts and Judicial Proceedings**

2 5-399.8.

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~~ A
12 GOVERNMENT 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 MOVE TO:

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.

3

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 1997.