

HOUSE BILL 12

Unofficial Copy  
D3  
HB 134/97 - JUD

1998 Regular Session  
8lr0072

(PRE-FILED)

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

Requested: July 14, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judiciary

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A BILL ENTITLED

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  
4 a 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  
7 10, 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  
9 suit to file a counterclaim; allowing a defendant to move to dismiss the alleged  
10 SLAPP suit and requiring the court to hold a hearing on the motion as soon as  
11 practicable; allowing a defendant to file a motion to stay all court proceedings  
12 until the underlying matter about which the defendant communicated is  
13 resolved; making this Act applicable to SLAPP suits notwithstanding any other  
14 law or rule; providing that this Act does not diminish any equitable or legal right  
15 or remedy otherwise available to a defendant; defining a certain term; providing  
16 for the application of this Act; and generally relating to strategic lawsuits  
17 against public participation (SLAPP suits) and immunity from civil liability in  
18 those lawsuits.

19 BY adding to

20 Article - Courts and Judicial Proceedings

21 Section 5-806

22 Annotated Code of Maryland

23 (1995 Replacement Volume and 1997 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Courts and Judicial Proceedings**

2 5-806.

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, OR  
9 IN ANY OTHER WAY EXERCISE RIGHTS UNDER THE FIRST AMENDMENT OF THE U.S.  
10 CONSTITUTION OR ARTICLE 10, 13, OR 40 OF THE MARYLAND DECLARATION OF  
11 RIGHTS REGARDING ANY MATTER WITHIN THE AUTHORITY OF A GOVERNMENT  
12 BODY;13 (2) MATERIALLY RELATED TO THE DEFENDANT'S COMMUNICATION;  
14 AND15 (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 THE  
24 AUTHORITY OF A GOVERNMENT BODY.25 (D) IN ADDITION TO FILING A COUNTERCLAIM, A DEFENDANT IN AN ALLEGED  
26 SLAPP SUIT MAY MOVE TO:27 (1) DISMISS THE ALLEGED SLAPP SUIT, IN WHICH CASE THE COURT  
28 SHALL HOLD A HEARING ON THE MOTION TO DISMISS AS SOON AS PRACTICABLE; OR29 (2) STAY ALL COURT PROCEEDINGS UNTIL THE MATTER ABOUT WHICH  
30 THE DEFENDANT COMMUNICATED TO THE GOVERNMENT BODY OR THE PUBLIC AT  
31 LARGE IS RESOLVED.

32 (E) THIS SECTION:

33 (1) IS APPLICABLE TO SLAPP SUITS NOTWITHSTANDING ANY OTHER  
34 LAW OR RULE; AND35 (2) DOES NOT DIMINISH ANY EQUITABLE OR LEGAL RIGHT OR REMEDY  
36 OTHERWISE AVAILABLE TO A DEFENDANT IN A SLAPP SUIT.

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

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
5 effect October 1, 1998.