

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 947 (Delegate Rosenberg)

Judiciary

On-Line Communications - Defamation

This bill provides that a statement published through an on-line service can form the basis for a defamation action. The bill also contains provisions relating to the definition of a “public figure” and provides that an on-line service provider may not be considered the publisher of a defamatory on-line communication unless: a) the statement was posted by an employee of the on-line service during the course of employment; b) the statement was made by a person whom the on-line service provider paid for the statement; or c) the on-line service provider ratified the statement beyond a mere listing in a directory.

The bill applies prospectively only and may not be applied to any case filed before the bill’s October 1, 1998 effective date.

Fiscal Summary

State Effect: None. The bill clarifies the law of defamation as applied to on-line communications. No material effect on State finances.

Local Effect: None.

Small Business Effect: Potential meaningful in that the bill could limit the liability of small businesses that provide on-line services.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 3, 1998

ncs

Analysis by: Claire E. Rooney

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710