

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 549

(Senator Love, *et al.*)

Judicial Proceedings

Civil Actions - Immunity - Disclosure of Allegations of Sexually Assaultive Behavior (Stop Silencing Survivors Act)

This bill establishes that a person acting in good faith may not be held liable for disclosing any information about allegations of sexually assaultive behavior (as defined in § 10-923 of the Courts and Judicial Proceedings Article) to another person. Such a person is presumed to have acted in good faith unless it is shown by clear and convincing evidence that the person (1) acted with actual malice toward the person alleged to have committed the sexually assaultive behavior or (2) intentionally or recklessly disclosed false information about the alleged perpetrator. The court must award reasonable attorney's fees and costs to a person who successfully defends a claim of not acting in good faith in disclosing information about the allegations, unless the party from whom the fees and costs are sought establishes that the award would be clearly inappropriate.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law:

Sexually Assaultive Behavior

“Sexually assaultive behavior” means an act that would constitute a sexual crime under Title 3, Subtitle 3 of the Criminal Law Article; sexual abuse of a minor under § 3-602 of the Criminal Law Article; sexual abuse of a vulnerable adult under § 3-604 of the Criminal Law Article; a violation of 18 U. S. Code Chapter 109A; or a violation of a law of another state, the United States, or a foreign country that is equivalent to any of these offenses.

Similar Provisions

Section 5-423 of the Courts and Judicial Proceedings Article contains provisions similar to the bill that apply to the disclosure of information by an employer regarding an employee or former employee’s job performance or reason for termination of employment.

An employer acting in good faith may not be held liable for disclosing any information about the job performance or the reason for termination of employment of an employee or former employee of the employer:

- to a prospective employer of the employee or former employee at the request of the prospective employer, the employee, or former employee; or
- if requested or required by a federal, State, or industry regulatory authority or if the information is disclosed in a report, filing, or other document required by law, rule, order, or regulation of the regulatory authority.

An employer who discloses information under these circumstances must be presumed to be acting in good faith unless it is shown by clear and convincing evidence that the employer (1) acted with actual malice toward the employee or former employee or (2) intentionally or recklessly disclosed false information about the employee or former employee.

State/Local Fiscal Effect: The bill is not anticipated to materially affect State or local government finances or operations. For instance, the State’s Treasurer’s Office advises that the bill does not impact the Maryland Tort Claims Act or the State Insurance Trust Fund for tort liability. The Maryland Association of Counties notes that the bill is not anticipated to have a meaningful impact on local government finances or operations.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 629 (Delegate Bartlett, *et al.*) - Judiciary.

Information Source(s): Maryland Association of Counties; Office of the Attorney General; Maryland State Treasurer's Office; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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