

SENATE BILL 251

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6lr1916
CF 6lr1917

By: **Senators Love and Hettleman**

Introduced and read first time: January 16, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Maryland Uniform Public Expression Protection Act**

3 FOR the purpose of repealing a certain provision relating to strategic lawsuits against
4 public participation; authorizing a person served with a pleading asserting a certain
5 cause of action based on the person’s communication related to a governmental
6 proceeding or exercise of certain constitutional rights to file a special motion for
7 expedited relief to dismiss the cause of action; and generally relating to civil actions
8 and public expression.

9 BY repealing

10 Article – Courts and Judicial Proceedings
11 Section 5–807
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2025 Supplement)

14 BY adding to

15 Article – Courts and Judicial Proceedings
16 Section 5–1301 through 5–1313 to be under the new subtitle “Subtitle 13. Maryland
17 Uniform Public Expression Protection Act”
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2025 Supplement)

20 BY renumbering

21 Article – Courts and Judicial Proceedings
22 Section 5–808
23 to be Section 5–807
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2025 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

[5–807.

(a) In this section, “SLAPP suit” means a strategic lawsuit against public participation.

(b) A lawsuit is a SLAPP suit if it is:

(1) Brought in bad faith against a party who has communicated with a federal, State, or local government body or the public at large to report on, comment on, rule on, challenge, oppose, or in any other way exercise rights under the First Amendment of the U.S. Constitution or Article 10, Article 13, or Article 40 of the Maryland Declaration of Rights regarding any matter within the authority of a government body or any issue of public concern;

(2) Materially related to the defendant’s communication; and

(3) Intended to inhibit or inhibits the exercise of rights under the First Amendment of the U.S. Constitution or Article 10, Article 13, or Article 40 of the Maryland Declaration of Rights.

(c) A defendant in a SLAPP suit is not civilly liable for communicating with a federal, State, or local government body or the public at large, if the defendant, without constitutional malice, reports on, comments on, rules on, challenges, opposes, or in any other way exercises rights under the First Amendment of the U.S. Constitution or Article 10, Article 13, or Article 40 of the Maryland Declaration of Rights regarding any matter within the authority of a government body or any issue of public concern.

(d) A defendant in an alleged SLAPP suit may move to:

(1) Dismiss the alleged SLAPP suit, in which case the court shall hold a hearing on the motion to dismiss as soon as practicable; or

(2) Stay all court proceedings until the matter about which the defendant communicated to the government body or the public at large is resolved.

(e) This section:

(1) Is applicable to SLAPP suits notwithstanding any other law or rule; and

(2) Does not diminish any equitable or legal right or remedy otherwise available to a defendant in a SLAPP suit.]

SUBTITLE 13. MARYLAND UNIFORM PUBLIC EXPRESSION PROTECTION ACT.

1 **5-1301.**

2 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
3 **INDICATED.**

4 **(B) “GOODS OR SERVICES” DOES NOT INCLUDE THE CREATION,**
5 **DISSEMINATION, EXHIBITION, OR ADVERTISEMENT OR SIMILAR PROMOTION OF A**
6 **DRAMATIC, LITERARY, MUSICAL, POLITICAL, JOURNALISTIC, OR ARTISTIC WORK.**

7 **(C) “GOVERNMENTAL UNIT” MEANS A PUBLIC CORPORATION OR A**
8 **GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY.**

9 **(D) “PERSON” MEANS AN INDIVIDUAL, AN ESTATE, A TRUST, A**
10 **PARTNERSHIP, A BUSINESS OR NONPROFIT ENTITY, A GOVERNMENTAL UNIT, OR ANY**
11 **OTHER LEGAL ENTITY.**

12 **5-1302.**

13 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS**
14 **SUBTITLE APPLIES TO A CAUSE OF ACTION ASSERTED IN A CIVIL ACTION AGAINST A**
15 **PERSON BASED ON THE PERSON’S:**

16 **(1) COMMUNICATION IN A LEGISLATIVE, EXECUTIVE, JUDICIAL,**
17 **ADMINISTRATIVE, OR OTHER GOVERNMENTAL PROCEEDING;**

18 **(2) COMMUNICATION ON AN ISSUE UNDER CONSIDERATION OR**
19 **REVIEW IN A LEGISLATIVE, EXECUTIVE, JUDICIAL, ADMINISTRATIVE, OR OTHER**
20 **GOVERNMENTAL PROCEEDING; OR**

21 **(3) EXERCISE OF THE RIGHT OF FREEDOM OF SPEECH OR OF THE**
22 **PRESS, THE RIGHT TO ASSEMBLE OR PETITION, OR THE RIGHT OF ASSOCIATION,**
23 **GUARANTEED BY THE UNITED STATES CONSTITUTION, THE MARYLAND**
24 **CONSTITUTION, OR THE MARYLAND DECLARATION OF RIGHTS, ON A MATTER OF**
25 **PUBLIC CONCERN.**

26 **(B) THIS SUBTITLE DOES NOT APPLY TO A CAUSE OF ACTION ASSERTED:**

27 **(1) AGAINST A GOVERNMENTAL UNIT OR AN EMPLOYEE OR AGENT OF**
28 **A GOVERNMENTAL UNIT ACTING OR PURPORTING TO ACT IN AN OFFICIAL CAPACITY;**

29 **(2) BY A GOVERNMENTAL UNIT OR AN EMPLOYEE OR AGENT OF A**
30 **GOVERNMENTAL UNIT ACTING IN AN OFFICIAL CAPACITY TO ENFORCE A LAW TO**
31 **PROTECT AGAINST AN IMMINENT THREAT TO PUBLIC HEALTH OR SAFETY; OR**

(3) AGAINST A PERSON PRIMARILY ENGAGED IN THE BUSINESS OF SELLING OR LEASING GOODS OR SERVICES IF THE CAUSE OF ACTION ARISES OUT OF A COMMUNICATION RELATED TO THE PERSON'S SALE OR LEASE OF THE GOODS OR SERVICES.

5-1303.

NOT LATER THAN 60 DAYS AFTER A PARTY IS SERVED WITH A COMPLAINT, PETITION, CROSSCLAIM, COUNTERCLAIM, THIRD-PARTY CLAIM, OR OTHER PLEADING THAT ASSERTS A CAUSE OF ACTION TO WHICH THIS SUBTITLE APPLIES, OR AT A LATER TIME ON A SHOWING OF GOOD CAUSE, THE PARTY MAY FILE A SPECIAL MOTION FOR EXPEDITED RELIEF TO DISMISS THE CAUSE OF ACTION OR PART OF THE CAUSE OF ACTION.

5-1304.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (D) THROUGH (G) OF THIS SECTION, ON THE FILING OF A MOTION UNDER § 5-1303 OF THIS SUBTITLE:

(1) ALL OTHER PROCEEDINGS BETWEEN THE MOVING PARTY AND RESPONDING PARTY, INCLUDING DISCOVERY AND ANY PENDING HEARING OR MOTION, ARE STAYED; AND

(2) ON MOTION BY THE MOVING PARTY, THE COURT MAY STAY A HEARING OR MOTION INVOLVING ANOTHER PARTY, OR DISCOVERY BY ANOTHER PARTY, IF THE HEARING OR RULING ON THE MOTION WOULD ADJUDICATE, OR THE DISCOVERY WOULD RELATE TO, AN ISSUE MATERIAL TO THE MOTION UNDER § 5-1303 OF THIS SUBTITLE.

(B) A STAY UNDER SUBSECTION (A) OF THIS SECTION REMAINS IN EFFECT UNTIL ENTRY OF AN ORDER RULING ON THE MOTION UNDER § 5-1303 OF THIS SUBTITLE AND EXPIRATION OF THE TIME UNDER § 5-1309 OF THIS SUBTITLE FOR THE MOVING PARTY TO APPEAL THE ORDER.

(C) (1) EXCEPT AS PROVIDED IN SUBSECTIONS (E), (F), AND (G) OF THIS SECTION, IF A PARTY APPEALS FROM AN ORDER RULING ON A MOTION UNDER § 5-1303 OF THIS SUBTITLE, ALL PROCEEDINGS BETWEEN ALL PARTIES IN THE ACTION ARE STAYED.

(2) A STAY UNDER PARAGRAPH (1) OF THIS SUBSECTION REMAINS IN EFFECT UNTIL THE CONCLUSION OF THE APPEAL.

(D) DURING A STAY UNDER SUBSECTION (A) OF THIS SECTION, THE COURT MAY ALLOW LIMITED DISCOVERY IF:

(1) A PARTY SHOWS THAT SPECIFIC INFORMATION IS NECESSARY TO ESTABLISH WHETHER A PARTY HAS SATISFIED OR FAILED TO SATISFY A BURDEN UNDER § 5-1307(A) OF THIS SUBTITLE; AND

(2) THE INFORMATION IS NOT REASONABLY AVAILABLE UNLESS DISCOVERY IS ALLOWED.

(E) A MOTION UNDER § 5-1310 OF THIS SUBTITLE FOR COSTS, ATTORNEY'S FEES, AND EXPENSES IS NOT SUBJECT TO A STAY UNDER THIS SECTION.

(F) A STAY UNDER THIS SECTION DOES NOT AFFECT A PARTY'S ABILITY TO:

(1) VOLUNTARILY DISMISS A CAUSE OF ACTION OR PART OF A CAUSE OF ACTION; OR

(2) MOVE TO SEVER A CAUSE OF ACTION.

(G) DURING A STAY UNDER THIS SECTION, THE COURT FOR GOOD CAUSE SHOWN MAY HEAR AND RULE ON:

(1) A MOTION UNRELATED TO THE MOTION UNDER § 5-1303 OF THIS SUBTITLE; OR

(2) A MOTION SEEKING A SPECIAL OR PRELIMINARY INJUNCTION TO PROTECT AGAINST AN IMMINENT THREAT TO PUBLIC HEALTH OR SAFETY.

5-1305.

(A) THE COURT SHALL HEAR A MOTION UNDER § 5-1303 OF THIS SUBTITLE NOT LATER THAN 60 DAYS AFTER THE FILING OF THE MOTION, UNLESS THE COURT ORDERS A LATER HEARING:

(1) TO ALLOW DISCOVERY UNDER § 5-1304(D) OF THIS SUBTITLE; OR

(2) FOR OTHER GOOD CAUSE SHOWN.

(B) IF THE COURT ORDERS A LATER HEARING UNDER SUBSECTION (A)(1) OF THIS SECTION, THE COURT SHALL HEAR THE MOTION UNDER § 5-1303 OF THIS SUBTITLE NOT LATER THAN 60 DAYS AFTER THE COURT ORDER ALLOWING THE

DISCOVERY, UNLESS THE COURT ORDERS A LATER HEARING UNDER SUBSECTION (A)(2) OF THIS SECTION.

5-1306.

IN RULING ON A MOTION UNDER § 5-1303 OF THIS SUBTITLE, THE COURT SHALL CONSIDER:

(1) THE PLEADINGS;

(2) THE MOTION;

(3) ANY REPLY OR RESPONSE TO THE MOTION; AND

(4) ANY EVIDENCE THAT COULD BE CONSIDERED IN RULING ON A MOTION FOR SUMMARY JUDGMENT IN ACCORDANCE WITH THE MARYLAND RULES.

5-1307.

(A) IN RULING ON A MOTION UNDER § 5-1303 OF THIS SUBTITLE, THE COURT SHALL DISMISS WITH PREJUDICE A CAUSE OF ACTION OR A PART OF A CAUSE OF ACTION IF:

(1) THE MOVING PARTY ESTABLISHES UNDER § 5-1302(A) OF THIS SUBTITLE THAT THIS SUBTITLE APPLIES;

(2) THE RESPONDING PARTY FAILS TO ESTABLISH UNDER § 5-1302(B) OF THIS SUBTITLE THAT THIS SUBTITLE DOES NOT APPLY; AND

(3) (I) THE RESPONDING PARTY FAILS TO ESTABLISH A PRIMA FACIE CASE AS TO EACH ESSENTIAL ELEMENT OF THE CAUSE OF ACTION; OR

(II) THE MOVING PARTY ESTABLISHES THAT:

1. THE RESPONDING PARTY FAILED TO STATE A CAUSE OF ACTION UPON WHICH RELIEF CAN BE GRANTED; OR

2. THERE IS NO GENUINE ISSUE AS TO ANY MATERIAL FACT AND THE MOVING PARTY IS ENTITLED TO JUDGMENT AS A MATTER OF LAW ON THE CAUSE OF ACTION OR PART OF THE CAUSE OF ACTION.

(B) A VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF A RESPONDING PARTY'S CAUSE OF ACTION, OR PART OF A CAUSE OF ACTION, THAT IS THE SUBJECT

1 OF A MOTION UNDER § 5-1303 OF THIS SUBTITLE DOES NOT AFFECT A MOVING
2 PARTY'S RIGHT TO OBTAIN A RULING ON THE MOTION AND SEEK COSTS, ATTORNEY'S
3 FEES, AND EXPENSES UNDER § 5-1310 OF THIS SUBTITLE.

4 (C) A VOLUNTARY DISMISSAL WITH PREJUDICE OF A RESPONDING PARTY'S
5 CAUSE OF ACTION, OR PART OF A CAUSE OF ACTION, THAT IS THE SUBJECT OF A
6 MOTION UNDER § 5-1303 OF THIS SUBTITLE ESTABLISHES FOR THE PURPOSE OF §
7 5-1310 OF THIS SUBTITLE THAT THE MOVING PARTY PREVAILED ON THE MOTION.

8 5-1308.

9 THE COURT SHALL RULE ON A MOTION UNDER § 5-1303 OF THIS SUBTITLE
10 NOT LATER THAN 60 DAYS AFTER A HEARING UNDER § 5-1305 OF THIS SUBTITLE.

11 5-1309.

12 (A) A MOVING PARTY MAY APPEAL AS A MATTER OF RIGHT FROM AN ORDER
13 DENYING, IN WHOLE OR IN PART, A MOTION UNDER § 5-1303 OF THIS SUBTITLE.

14 (B) AN APPEAL UNDER THIS SECTION SHALL BE FILED NOT LATER THAN 21
15 DAYS AFTER ENTRY OF THE ORDER.

16 5-1310.

17 ON A MOTION UNDER § 5-1303 OF THIS SUBTITLE, THE COURT SHALL AWARD
18 COURT COSTS, REASONABLE ATTORNEY'S FEES, AND REASONABLE LITIGATION
19 EXPENSES RELATED TO THE MOTION:

20 (1) TO THE MOVING PARTY IF THE MOVING PARTY PREVAILS ON THE
21 MOTION; OR

22 (2) TO THE RESPONDING PARTY IF THE RESPONDING PARTY
23 PREVAILS ON THE MOTION AND THE COURT FINDS THAT THE MOTION WAS
24 FRIVOLOUS OR FILED SOLELY WITH INTENT TO DELAY THE PROCEEDING.

25 5-1311.

26 THIS SUBTITLE SHALL BE BROADLY CONSTRUED AND APPLIED TO PROTECT
27 THE EXERCISE OF THE RIGHT OF FREEDOM OF SPEECH AND OF THE PRESS, THE
28 RIGHT TO ASSEMBLE AND PETITION, AND THE RIGHT OF ASSOCIATION,
29 GUARANTEED BY THE UNITED STATES CONSTITUTION, THE MARYLAND
30 DECLARATION OF RIGHTS, AND THE MARYLAND CONSTITUTION.

1 **5–1312.**

2 **IN APPLYING AND CONSTRUING THIS SUBTITLE, CONSIDERATION SHALL BE**
3 **GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS**
4 **SUBJECT MATTER AMONG THE STATES THAT ENACT IT.**

5 **5–1313.**

6 **THIS SUBTITLE MAY BE CITED AS THE MARYLAND UNIFORM PUBLIC**
7 **EXPRESSION PROTECTION ACT.**

8 **SECTION 2. AND BE IT FURTHER ENACTED,** That Section(s) 5–808 of Article –
9 Courts and Judicial Proceedings of the Annotated Code of Maryland be renumbered to be
10 Section(s) 5–807.

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

14 **SECTION 4. AND BE IT FURTHER ENACTED,** That this Act shall take effect
15 October 1, 2026.