

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 251

(Senators Love and Hettleman)

Judicial Proceedings

Civil Actions - Maryland Uniform Public Expression Protection Act

This bill repeals provisions related to Strategic Lawsuits Against Public Participation (SLAPP) and instead establishes the Maryland Uniform Public Expression Protection Act, which addresses similar litigation. The bill specifies the types of civil actions to which it applies and procedures allowing a person who is served with an applicable lawsuit to seek expedited relief. The bill's provisions must be broadly construed and applied to protect the exercise of specified federal and State constitutional rights, and consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it. The bill only applies prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before its October 1, 2026 effective date.

Fiscal Summary

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

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

Small Business Effect: Minimal.

Analysis

Bill Summary:

Civil Actions to Which the Bill Applies

In general, the bill applies to a civil cause of action against a person based on the person's (1) communication in a legislative, executive, judicial, administrative, or other governmental proceeding; (2) communication on an issue under consideration or review in

a legislative, executive, judicial, administrative, or other governmental proceeding; or (3) exercise of the person's federal or State constitutional rights to free speech, freedom of the press, assembly or petition, or association regarding a matter of public concern. "Person" means an individual, an estate, a trust, a partnership, a business or nonprofit entity, a governmental unit, or any other legal entity.

The bill does not apply to a cause of action asserted (1) against a governmental unit (as defined under the bill) or an employee or agent of a governmental unit acting or purporting to act in an official capacity; (2) by a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to 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 (as defined under the bill) if the cause of action arises out of a communication related to the person's sale or lease of the goods or services.

Motions for Expedited Relief

As specified, the bill establishes procedures for applicable causes of action. In general, the procedures under the bill commence when a party served with an applicable cause of action files, within 60 days after being served, a special motion requesting the court to grant expedited relief by dismissing the cause of action or part of the cause of action.

The filing of this motion stays all other proceedings between the moving party and responding party, including discovery and any pending hearing. As specified and on motion by the moving party, the court can stay a hearing or motion involving another party, or discovery by another party, if that hearing or ruling or discovery relates to an issue material to the motion for expedited relief. These stays remain in effect until the court enters an order ruling on the motion for expedited relief and the expiration of the time for the moving party to appeal the order. If a party appeals the order, all proceedings between the parties are stayed until the conclusion of the appeal. A court may allow limited discovery during a stay if specified conditions are met. A stay does not affect a party's ability to voluntarily dismiss all or part of a cause of action or move to sever a cause of action. During a stay, the court, for good cause shown, may hear and rule on a motion that is not related to the motion for expedited relief or a motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

The court must hear the motion within 60 days after it is filed, unless the court orders a later hearing to allow for limited discovery as authorized under the bill or for other good cause shown. If the court orders a later hearing for limited discovery, the court has 60 days from the order allowing for limited discovery to hear the expedited relief motion, unless the court orders a later hearing for good cause shown. The court must rule on the motion within 60 days after the hearing.

The court must consider specified items when ruling on an order for expedited relief. In ruling on the motion, the court must dismiss *with prejudice* a cause of action or part of a cause of action if (1) the moving party establishes that the action is subject to the bill's provisions; (2) the responding party failed to prove that the action is not subject to the bill's provisions; and (3) the responding party fails to establish a *prima facie* case as to each essential element of the cause of action or the moving party establishes that the responding party failed to state a cause of action upon which relief can be granted or establishes that 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.

Court Costs, Attorney's Fees, and Litigation Expenses

The court must award court costs, reasonable attorney's fees, and reasonable litigation expenses related to the motion to a (1) prevailing moving party or (2) a prevailing responding party if the court finds that the motion was frivolous or filed solely with the intent to delay the proceeding.

A voluntary dismissal *without prejudice* of a responding party's cause of action, or part of a cause of action, that is the subject of a motion for expedited relief does not affect a moving party's right to obtain a ruling on the motion and seek costs, attorney's fees, and expenses. A voluntary dismissal *with prejudice* of a responding party's cause of action, or part of a cause of action, that is the subject of a motion for expedited relief establishes that the moving party prevailed on the motion.

Appeals from Denials of Expedited Relief

If the court denies a motion for expedited relief in whole or in part, the moving party may appeal the order as a matter of right and has 21 days after the order is entered to file the appeal.

Current Law: A lawsuit is a SLAPP suit if it (1) is brought in bad faith against a party who has exercised specified federal or State constitutional rights of free speech in communicating with a government body or the public at large regarding any matter within the authority of the government body or any issue of public concern; (2) is materially related to the defendant's communication; and (3) inhibits or is intended to inhibit the exercise of federal or State constitutional rights of free speech. A defendant in a SLAPP suit is not civilly liable for communicating with a government body or the public at large if the defendant acts without constitutional malice in exercising rights protected by federal or State constitutional rights of free speech regarding any matter within the authority of a government body or any issue of public concern. A defendant in an alleged SLAPP suit may move to dismiss the suit or move to stay all court proceedings until the matter about which the defendant communicated to the government body or the public at large is

resolved. These provisions apply to SLAPP suits notwithstanding any other law or rule and do not diminish any equitable or legal right or remedy otherwise available to a defendant in a SLAPP suit.

Additional Information

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

Designated Cross File: None.

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

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