

I respectfully ask that you oppose HB0070.

The bill, as written would restrict free speech and deny legal remedy in conflict with the purpose of the original statute, which was enacted to prevent Strategic Lawsuits Against Public Participation or "SLAPP" suits. Instead, this bill will enable SLAPP suits and restrict the exercise of free speech in Maryland. It will enable frivolous lawsuits to suppress pro-life speech and hurt pro-life organizations, including pregnancy centers, potentially putting them out of business.

The bill as written would amend the statute, and confuse the public purpose by imposing a subjective set of criteria to deny individuals and organizations legal remedy against SLAPP suits. The language would substitute free speech with personal or political value judgments. What may or may not be "in the public interest" or what may or may not "confer a significant benefit", is not a settled matter of law but a matter for debate.

The bill also would undermine the judicial requirement of standing, by allowing legal actions on behalf of the general population or some subset of the population otherwise loosely defined.

The exercise of free speech is one of our most valued benefits of citizenship and must not be curtailed.

We specifically object to the following proposed language:

(C)A LAWSUIT IS NOT A SLAPP SUIT IF:(1)THE LAWSUIT IS BROUGHT IN THE PUBLIC INTEREST OR ON BEHALF OF THE GENERAL PUBLIC AND EACH OF THE FOLLOWING CONDITIONS EXISTS:(I)EXCEPT FOR CLAIMS FOR ATTORNEY'S FEES,COSTS,OR PENALTIES,THE PLAINTIFF DOES NOT SEEK ANY RELIEF GREATER THAN OR DIFFERENT FROM THE RELIEF SOUGHT FOR THE GENERAL PUBLIC OR A CLASS OF WHICH THE PLAINTIFF IS A MEMBER;

(II)THE LAWSUIT,IF SUCCESSFUL,WOULD ENFORCE AN IMPORTANT RIGHT AFFECTING THE PUBLIC INTEREST AND WOULD CONFER A SIGNIFICANT BENEFIT,PECUNIARY OR NON PECUNIARY,TO THE GENERAL PUBLIC OR A LARGE CLASS OF PERSONS;AND(III)PRIVATE ENFORCEMENT IS NECESSARY AND PLACES A DISPROPORTIONATE FINANCIAL BURDEN ON THE PLAINTIFF IN RELATION TO THE PLAINTIFF'S STAKE IN THE MATTER.

For the reasons stated above, I respectfully urge you to give an unfavorable report on House Bill 0070. Thank you!

Catherine Monsour