



Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 549 **Lisae C. Jordan, Executive Director & Counsel** February 6, 2025

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute which provides direct legal services for survivors across the State of Maryland. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 549.

Senate Bill 549 – Stop Silencing Survivors – Retaliatory Lawsuits

This bill raises the bar for lawsuits against people who have disclosed sexual assault. It does not prevent these suits, it requires that the plaintiff prove that the person making the statement about sexual assault “acted with actual malice” or “intentionally or recklessly disclosed false information”. The bill also provides for attorney’s fees and costs for successful defendants in most cases.

Sexual assault is one of the most underreported crimes in Maryland and throughout the nation.

- The National Crime Victimization Survey (2010-2016) found that:
- When the offender was a friend or acquaintance, **61%** of completed rapes, **71%** of attempted rapes, and **82%** of other sexual assaults were not reported
 - When the offender was a stranger, **54%** of completed rapes, **44%** of attempted rapes, and **34%** of other sexual assaults were not reported to the police

When sexual assaults are not reported, sex offenders go free. Communities have worked hard to encourage survivors to seek help, report crime, and find justice. Maryland schools educate children about sexual abuse prevention and consent. Our colleges and universities provide training for students, faculty, and staff. Even the General Assembly requires harassment prevention, which includes preventing sexual harassment and sexual assault (an extreme form of harassment). There are statewide outreach programs reminding sexual assault survivors that help is available, and rape crisis centers in every jurisdiction help survivors, including by informing them of their rights to report sexual violence.

Civil lawsuits are increasingly being used as a weapon to threaten, silence, intimidate, and dissuade survivors of sexual assault from speaking out against their abusers and exposing predators. This trend is a stark contrast the many efforts to encourage survivors to speak up and speak out. While survivors are immune from liability for statements made on the stand or as part

of prosecution, this does not protect statements outside this process. Maryland attorneys have had mixed responses from the courts when statements are made to college Title IX offices and then survivors are sued. Survivors who wish to speak out about their experiences are counseled that this could lead to expensive, time-consuming, and traumatizing lawsuits.

Examples of cases in Maryland include:

A doctor in Maryland opened a clinic in Prince George's County to provide medical services in an underserved, economically challenged area of the county. He used his position to molest female patients. One woman decided not to report the sexual assault until she saw a local prosecutor on TV asking for victims to come forward. She was one of three women whose cases the State's Attorney Office investigated and filed charges of 4th degree sexual offenses against the doctor. One case led to a not guilty verdict and the other two were stetted on the condition that the doctor permanently give up his license to practice medicine. Years later, the victim was served with a civil lawsuit alleging defamation, malicious prosecution, intentional infliction of emotional distress, interference with contract, and other causes of action.

A student at a Maryland university was sexually assaulted off campus by another student. She reported the assault and sought help through the student judicial conduct proceedings process. The school investigated and found that the sexual assault occurred. This survivor did not want to pursue criminal charges, she just wanted the assailant to stay away until she finished school. The assailant sued her and the school. Her parents made too much money to be able to seek help from a legal services organization and too little money to pay for private counsel. Their legal fees would have been covered by an umbrella insurance policy, but it inadvertently lapsed during the chaos following a hurricane. This would have been financially devastating for the family.

Abusers can sue their victims for sharing their experiences, forcing them to *prove* their statements are the truth in court or pay damages. Senate Bill 549 would change this and create a balance between encouraging survivors to come forward and maintaining access to the Courts for someone wrongly accused. This bill would create immunity from suit when the disclosure of sexual violence was made in good faith, and defines good faith to exclude intentionally or recklessly false statements or statements made with actual malice. This immunity only applies to sexually assaultive behavior, not other forms of sexual harassment or discrimination.

The Stop Silencing Survivors Act is fair and balanced.

Sexual assault survivors should be encouraged to speak out, not silenced by the courts.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 549**