

SB 549 Civil Actions - Immunity - Disclosure of AI

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Position: FAV

BILL NO:	Senate Bill 0549
TITLE:	Civil Actions - Immunity - Disclosure of Allegations of Sexually Assaultive Behavior (Stop Silencing Survivors Act)
COMMITTEE:	Judicial Proceedings
HEARING DATE:	February 6, 2025
POSITION:	SUPPORT

The Women's Law Center of Maryland's clients have all experienced intimate partner violence, which may include physical, mental, and sexual abuse. A common form of abuse that we see regularly is the use and threat of SLAPP suits to silence victims from seeking redress in the courts.

SLAPP – or Strategic Lawsuits Against Public Participation – suit laws protect individuals and groups, many with few assets, from defending costly legal challenges to their lawful exercise of such constitutionally protected rights as free speech, assembly, and the right to petition the government. Most often what we've seen is a domestic violence survivor seeking out the aid of law enforcement and then being forced to defend against abusive litigation. The abuser's goal is often not to win the case but rather to cause the victim to devote such significant resources to defending themselves that they are unable to continue the challenged activities, including seeking protection from abuse. Abusers may also sue or threaten to sue anyone who helps the victim, including friends, neighbors, advocates, lawyers and law enforcement officials. This threat of litigation makes it harder for the victim to find help.

When Maryland first enacted its anti-SLAPP protections in 2004, it was seen as a vanguard, one of the only states protecting against frivolous SLAPP suits. Maryland's repeal of the spousal defense to rape and sexual offenses was another step forward to ensuring that gender-based violence survivors are treated equally in the eyes of the law - however, current law doesn't expressly protect survivors of sexual assault from defamation lawsuits by their attackers. SB0549 extends these protections.

We know that most sexual assault – more than 95% according to NIH (PMID: 33305675) – is never reported. We know the barriers women face in reporting their assault, including age, fear, the relation/power of the perpetrator, negative reactions to disclosure, and the belief - or personal experience - that reporting would not result in justice and societal norms. With SB0549, Maryland once again has the opportunity to lead the nation in extending civil protections and immunity from liability for the disclosure of allegations of sexually assaultive behavior.

Legal protections and resources for women in this country are deteriorating before our eyes. In this evolving context, the Women's Law Center of Maryland believes it is more important than ever to protect victims of sexual abuse from additional trauma, including the financial abuse of SLAPP suits. We implore our representatives in the General Assembly to support Senate Bill 0549 and stop the silencing of survivors.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.

CFW SB 549 - SUPPORT.pdf

Uploaded by: Elizabeth Richards

Position: FAV



COMMISSION FOR WOMEN COMMUNITY ENGAGEMENT CLUSTER

February 6, 2025
Senator William C. Smith
Chair, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Street
Annapolis, MD 21401

RE: SB 549 Civil Actions-Immunity-Disclosure of Allegations of Sexually Assaultive Behavior
(Stop Silencing Survivors Act)

Position: **SUPPORT**

Dear Chairperson Smith, and members of the Senate Judicial Proceedings Committee,

On behalf of the Montgomery County Commission for Women, I am writing to ask for your support of SB 549 — Civil Actions-Immunity-Disclosure of Allegations of Sexually Assaultive Behavior. Sexual violence remains pervasive within our society. In Maryland, just over 1 in every 4 adult women (26.8%) are a victim of rape within her lifetime¹. Just under half of women within Maryland (47.6%) and about a third of men (30.7%) report experiencing other forms of sexual violence². Despite the pervasiveness of sexual violence, sexual assault remains under-reported and under-prosecuted³. Retaliatory lawsuits have emerged as another tool for perpetrators to continue to exert control over the survivor—individuals accused of sexual assault file defamation lawsuits against survivors who report the abuse.

Montgomery County Commission for Women advocates for legislation that promotes the equal and full participation of women and girls in every aspect of community living and access to education, healthcare, and work advancement with political and economic power. Retaliatory lawsuits against sexual assault survivors retraumatize survivors and place financial burdens on individuals who have already been victimized. As retaliatory lawsuits against survivors are particularly common at the undergraduate level, they have the potential to limit the survivor's educational trajectory^{4,5}. Thus, protections are needed so those impacted by sexual assault can seek out support without further fear of victimization by their abuser.

¹ Maryland Coalition Against Sexual Assault (2024, September). Sexual Assault in Maryland. chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://mcasa.org/assets/files/Sexual_Assault_in_MD_Fact_Sheet_2024.09.pdf

² Maryland Coalition Against Sexual Assault (2024, September). Sexual Assault in Maryland. chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://mcasa.org/assets/files/Sexual_Assault_in_MD_Fact_Sheet_2024.09.pdf

³ Maryland Legislative Agenda for Women (MLAW). (2024, November 23). MLAW fall agenda conference. chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://mdlegagendaforwomen.org/wp-content/uploads/2024/11/2024-merged-proposal-packet-for-web.pdf

⁴ Jordan, L.C. (2024, November 23). Stop silencing survivors [conference presentation]. Maryland Legislative Agenda for Women. Columbia, MD, United States. chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://mdlegagendaforwomen.org/wp-content/uploads/2024/11/2024-merged-proposal-packet-for-web.pdf

⁵ Diaz, J. (2024, November 10). This lawyer is fighting defamation lawsuits that can silence sexual assault victims. *National Public Radio*. <https://www.npr.org/2024/11/08/nx-s1-5111723/me-too-assault-victims-protections-defamation>

This bill comes at a critical time as individuals who confidentially report sexual assault are threatened by lawsuits and maligned in the media by their accusers^{6,7,8}. Retaliatory lawsuits may have a chilling effect on the reporting and help-seeking behaviors of survivors of sexual assault. Survivors report fear of reprisal as a barrier to reporting and accessing resources. Protections, such as the proposed legislation, that make it safer to report without the fear of retaliation, are needed. This legislation aligns with current national trends, where states are introducing and passing laws to protect survivors against retaliatory lawsuits.

Therefore, I urge a favorable report on SB 549 on behalf of the Montgomery County Commission for Women.

Sincerely,

Commissioner Elizabeth Richards
Chair, Policy & Legislative Committee
Montgomery County Commission for Women

⁶ Robinson, K. (2025, January 22). Sean 'Diddy' Combs files \$50 million defamation lawsuit over alleged sexual assault videos. *USA Today*.
<https://www.usatoday.com/story/entertainment/celebrities/2025/01/22/sean-diddy-combs-sues-for-defamation/77889904007/>

⁷ Curto, J. (2025, January 23). Chris Brown files \$500M defamation suit against Warner Bros. over documentary. *Vulture*.
<https://www.vulture.com/article/chris-brown-defamation-lawsuit-warner-bros.html>

⁸ Weidner, A. (2024, December 19). Andrew Cuomo sues former aide, sexual misconduct accuser for defamation. *CBS News*.
<https://cbs6albany.com/news/local/andrew-cuomo-sues-former-aide-sexual-misconduct-accuser-for-defamation-charlotte-bennett-new-york-letitia-james-attorney-general-governor>

MD SB 549 - Elizabeth Tang NWLC written testimony

Uploaded by: Elizabeth Tang

Position: FAV

**Testimony of Elizabeth Tang
Senior Counsel
National Women's Law Center
In Support of Senate Bill 549
Before the Senate Judicial Proceedings Committee
February 6, 2025**

I write on behalf of the National Women's Law Center (NWLC) in support of Senate Bill 549, the Stop Silencing Survivors Act. Since 1972, NWLC has fought for gender justice in the courts, in public policy, and in our society, working across the issues that are central to the lives of women and girls. Relevant to this bill, NWLC has participated as counsel or amicus curiae in a range of federal and state cases, including defamation cases filed by abusers against sexual assault survivors.

The Stop Silencing Survivors Act is urgently needed because sexual assault is widely prevalent yet vastly underreported—often due to fear of retaliation. Increasingly, rapists and abusers are weaponizing retaliatory defamation lawsuits against their victims, and unfortunately, even the prospect of an expensive and traumatizing defamation lawsuit can extort survivors into silence. SB 549 is critical to closing this gap protecting survivors in Maryland.

Sexual assault is widely prevalent. In Maryland alone, more than 1.3 million women and more than 640,000 men will be victims of sexual violence in their lifetime.¹ More than 20% of girls ages 14-18 are kissed or touched without their consent.² In college, one in four women, one in five transgender and nonbinary students, and one in fifteen men have been sexually assaulted since enrolling.³ Anywhere from 25% to 85% of women have experienced sex harassment in the workplace.⁴

However, most survivors never come forward—often due to fear of retaliation. Reporting rates for sexual assault are only 2% in high school,⁵ 10-12% in college,⁶ and about 6-13% in the workplace.⁷ One of the biggest reasons survivors stay silent is fear of retaliation.⁸

Rapists and abusers are weaponizing retaliatory defamation lawsuits against their victims. As more survivors have been empowered to speak out, more abusers have been punishing them for daring to speak out. In 2020, an NWLC report found that being sued for defamation is the third most common form of workplace retaliation reported by survivors.⁹ In 2021, another study found that 23% of surveyed

¹ Ctrs. for Disease Control & Prevention, *National Intimate Partner and Sexual Violence Survey: 2016/2017 State Report* 24, 36 (Dec. 2023), <https://bit.ly/3CDYv7a>.

² Kayla Patrick & Neena Chaudhry, NWLC, *Let Her Learn: Stopping School Pushout for Girls Who Have Suffered Harassment and Sexual Violence* 1 (2017), <https://bit.ly/3wD6Vs4> (hereinafter *Stopping School Pushout*).

³ David Cantor *et al.*, *Report on the AAU Campus Climate Survey on Sexual Assault and Misconduct*, Westat, ix, A7-5, A7-7, A7-9 (revised Jan. 17, 2020), <https://bit.ly/3TBtQwE> (hereinafter *AAU Survey*).

⁴ Amanda Rossie *et al.*, NWLC, *Out of the Shadows: An Analysis of Sexual Harassment Charges Filed by Working Women* 5, 12 (Aug. 2018), <https://bit.ly/4g9mgT2>.

⁵ *Stopping School Pushout*, *supra* note 2, at 2.

⁶ *AAU Survey*, *supra* note 3, at A7-27, A7-30.

⁷ *Select Task Force on the Study of Harassment in the Workplace*, EEOC, II.C (June 2016), <https://bit.ly/4cgDc8l>.

⁸ *Female Victims of Sexual Violence, 1994–2010*, Dep't of Justice - Bureau of Justice Stats., 7 (revised May 31, 2016), <https://bit.ly/3IRTyXV>.

⁹ Jasmine Tucker & Jennifer Mondino, NWLC, *Coming Forward: Key Trends and Data from the TIME'S UP Legal Defense Fund* 13 (2020), <https://bit.ly/4abJog7>.

student survivors were threatened with a defamation suit by their assailant, and 19% were warned by their school of the possibility of a defamation suit.¹⁰

Even the prospect of a defamation lawsuit can extort survivors into silence. While rapists and abusers do not typically expect to win, their baseless lawsuits operate to ensure their victims remain silent or coerce their victims into withdrawing their reports of sexual assault. After all, even if an abuser's lawsuit will eventually fail, a typical meritless defamation lawsuit still costs \$21,000 to \$55,000 to defeat and can easily soar into six or seven figures.¹¹ Moreover, these lawsuits force survivors to disclose intensely private details and to repeatedly relive their trauma through invasive discovery and other litigation demands. These tremendously expensive and traumatizing lawsuits often coerce victims into silence.

NWLC has assisted numerous survivors facing defamation suits. At the request of student survivors and worker survivors, NWLC created a toolkit advising survivors on how to defend themselves against defamation lawsuits and other retaliation.¹² We have also submitted numerous amicus briefs in states like Connecticut, D.C., Illinois, Massachusetts, and New York in support of survivors who were sued for defamation after reporting sexual assault.¹³

Maryland should pass SB 549! SB 549 is critical because it would ensure that abusers can no longer weaponize the Maryland courts against their victims. Maryland survivors who make good-faith reports would be protected from defamation suits and other liability. In addition, they would receive attorney fees and court costs, which ensures that they can speak out in the first place without fear of retaliation. SB 549 is also nothing new. Across the country, states like California, New York, Rhode Island, Tennessee, Vermont, and Washington State have all passed laws in the last few years to explicitly protect survivors from being targeted by defamation and other abusive lawsuits.¹⁴ It's high time for Maryland to join them.

For all of these reasons, I ask the Committee to issue a favorable report on Senate Bill 549. Thank you.

Thank you,



Elizabeth Tang
Senior Counsel
National Women's Law Center

¹⁰ See, e.g., Sarah Nesbitt & Sage Carson, Know Your IX, *The Cost of Reporting: Perpetrator Retaliation, Institutional Betrayal, and Student Survivor Pushout* 21 (2021), <https://bit.ly/4ga86AS>.

¹¹ See, e.g., David Keating, *Estimating the Cost of Fighting a SLAPP in a State with No Anti-SLAPP Law*, Inst. For Free Speech (June 16, 2022), <https://bit.ly/3IDCPqU>.

¹² Elizabeth Tang et al., NWLC, *Survivors Speaking Out: A Toolkit About Defamation Lawsuits and Other Retaliation By and For People Speaking Out About Sex-Based Harassment* (Aug. 9, 2023), <https://bit.ly/49AypO9>.

¹³ NWLC, *Banks v. Hoffman* (Apr. 18, 2024), <https://nwlc.org/d-c-s-anti-slapp-law-is-in-peril-heres-why-its-critical-for-survivors-of-gender-based-violence>; NWLC, *Sabatini v. Knouse* (Mar. 22, 2024) <https://nwlc.org/resource/nwlc-files-amicus-brief-supporting-survivors-against-retaliatory-defamation-suits>; Legal Momentum, *Khan v. Yale Univ.* (Aug. 5, 2022), <https://www.legalmomentum.org/amicus-briefs/khan-v-yale-univ-et-al>; NWLC, *Gottwald v. Sebert* (Apr. 22, 2022), <https://nwlc.org/we-support-keshas-fight-for-justice-survivors-should-not-be-carved-out-of-legal-protections>; NWLC, *Constellation v. Dent* (May 26, 2021), https://nwlc.org/wp-content/uploads/2021/05/Dent-v.-Constellation_-Motion-for-Leave-to-File-Brief-as-Amici-Curiae-Instant181638177.1-004-1-1.pdf; NWLC, *Sagaille v. Carrega* (Aug. 11, 2020), <https://nwlc.org/courts-must-not-carve-out-sexual-assault-survivors-from-existing-legal-protections-against-retaliatory-defamation-lawsuits>.

¹⁴ See N.Y. S.B. S52A (2020) (enacted) (extending protections against retaliatory lawsuits to include more people, including survivors); see also Cal. Civ. Code § 47.1 (2023) (creating a privilege for statements about "sexual assault, harassment, or discrimination"); R.I. Gen. Laws Ann. § 8-8.4-1 et seq. (2023) (allowing survivors to request a court order restricting abusive litigation); Vt. Stat. Ann. § 1181 et seq. (2023) (same); Wash. Rev. Code Ann. § 26.51.010 et seq. (2020) (same); Tenn. Code Ann. § 29-41-101 et seq. (2018).

SB549 - Civil Actions - Immunity - Disclosure of A

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Position: FAV



Bill No: SB549
Title: Civil Actions - Immunity - Disclosure of Allegations of Sexually Assaultive Behavior (Stop Silencing Survivors Act)
Committee: Judicial Proceedings
Hearing: February 6, 2025
Position: FAVORABLE

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women's groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW's purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **SB549 - Civil Actions - Immunity - Disclosure of Allegations of Sexually Assaultive Behavior (Stop Silencing Survivors Act)** is a priority on the [2025 MLAW Agenda](#) and we urge your support.

[SB549](#) would provide protection from retaliatory litigation for survivors who disclose sexual assault in good faith, while preserving the right to sue for intentional or reckless disclosure of false information or malicious allegations of assault. It is fair and it is needed for survivors, the majority of whom are women. If passed, it would provide sexual assault survivors with the same protections that are currently given to employers providing employment references. It provides a practical and effective way to discourage sex offenders from using the courts to silence survivors.

Sexual assault continues to be one of the most under-reported and under-prosecuted crimes in America. In Maryland and across the country, rapists are using retaliatory lawsuits to silence those who speak out about sexual violence. Survivors are being subjected to expensive, retraumatizing, and drawn-out litigation, and some are discouraged from ever speaking out.

Of all adult women residing in Maryland, 19%, or about 457,000 adult women, have experienced some form of completed or attempted rape in their lifetime. About 44%, or 1,058,000 of Maryland's women, and more than 23% of Maryland's men, about 520,800, have experienced other forms of sexual violence. (Bureau of Justice Statistics, Crime Victimization Survey, 1992-2015)

Nearly 1 out of every 5 American women, 18 years or older, has been the victim of at least one attempted or completed rape in her lifetime. (National Intimate Partner and Sexual Violence Survey: 2015 Data Brief.) This bill will help empower survivors who choose to disclose sexual assault and will help make our communities safer by making it more likely that sex offenders will be identified and held accountable.

For these reasons, MLAW strongly urges the passage of SB549.

MLAW 2025 Supporting Organizations

The following organizations have signed on in support of our 2025 Legislative Agenda:

1199 SEIU United Healthcare Workers East
AAUW Anne Arundel County
AAUW Garrett Branch
AAUW Howard County
AAUW Kensington-Rockville Branch
AAUW Maryland
Anne Arundel County NOW
Bound for Better, advocates for Domestic Violence
Calvert County Democratic Womens' Club
Charles County Commission for Womrn
Child Justice, Inc.
City of College Park MD
Court Watch Montgomery
Delta Sigma Theta Sorority North Arundel County Alumnae Chapter
FinnCORE, Inc.
Frederick County Commission for Women
Interfaith Action for Human Rights
Kids for Saving Earth
Maryland Chapter, National Organization for Women
Maryland Coalition Against Sexual Assault
Maryland Network Against Domestic Violence
Montgomery County, MD, NOW
National Coalition of 100 Black Women, Inc., Anne Arundel County Chapter
NCBWSOMD
ShareBaby, Inc.
Stella's Girls Incorporated
SUB&S LLC
The Rebuild, Overcome, and Rise (ROAR) Center of UMB
Trans Maryland
Unrooted Culture
Women of Honor International
Women's Equality Day Celebration across Maryland Coalition
Women's Equity Center and Action Network (WE CAN)
Women's Law Center of Maryland

*signed on as of 1/26/2025

Maryland Legislative Agenda for Women

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Letter_Support_SB549_Womens_Caucus.docx.pdf

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Position: FAV

DEL. DANA JONES, DISTRICT 30A
President

DEL. MICHELE GUYTON, DISTRICT 42B
1st Vice-President

DEL. JENNIFER WHITE HOLLAND, DISTRICT 10
2nd Vice-President

DEL. SARAH WOLEK, DISTRICT 16
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DEL. JACQUELINE T. ADDISON, DISTRICT 45
At Large

DEL. KYM TAYLOR, DISTRICT 23
At Large

WOMEN LEGISLATORS OF MARYLAND
THE MARYLAND GENERAL ASSEMBLY

February 4, 2025

To: Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Judicial Proceedings Committee

On behalf of the Maryland Women's Caucus, we are pleased to express our **unanimous support** for **SB549: Civil Actions - Immunity - Disclosure of Allegations of Sexually Assaultive Behavior (Stop Silencing Survivors Act)**, sponsored by Senator Love. This critical legislation provides much-needed protections for survivors of sexual violence who choose to speak out, ensuring they are not silenced by retaliatory lawsuits.

Sexual assault remains one of the most **underreported and under-prosecuted crimes** in America. Yet, when survivors bravely come forward, they too often face **intimidation through defamation lawsuits**, designed to retraumatize, financially burden, and discourage them from sharing their experiences. **SB549 ensures that those who disclose their assault in good faith are protected from these retaliatory legal actions, while still preserving the right to sue for knowingly false or malicious allegations.**

This bill is not just about legal protection—it is about **justice, accountability, and ensuring that Maryland supports survivors rather than silencing them.** The vast majority of sexual assault survivors are women, and without these protections, many will remain unheard, fearing the legal consequences of speaking out. **SB549 sends a clear message that Maryland stands with survivors and will not allow the legal system to be weaponized against them.**

We **respectfully urge** the Judicial Proceedings Committee to issue a **favorable report** for SB549. By passing this legislation, Maryland will take an essential step toward supporting survivors, protecting free and truthful speech, and ensuring that those who commit sexual violence cannot use the courts to evade accountability.

Thank you for your time and consideration. We appreciate your commitment to justice and to making Maryland a safer, more equitable state for all.

Stop Silencing Survivors - testimony - senate - 20

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
www.mcasa.org

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544

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 stettled 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**

Erin Levitas Testimony in Support of SB549.pdf

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Position: FAV

Testimony in Support of Senate Bill 549

Civil Actions - Immunity - Disclosure of Allegations of Sexually Assaultive Behavior

Stop Silencing Survivors Act

Before the Judicial Proceedings Committee: February 6, 2025

The Erin Levitas Initiative for Sexual Violence Prevention (“Levitas Initiative”) is a program based at the University of Maryland Francis King Carey School of Law. The Levitas Initiative uses research-based programming and a restorative approach to prevent sexual violence through early intervention in schools. We strongly urge the Judicial Proceedings Committee to issue a **favorable report on Senate Bill 549**.

Senate Bill 549 provides critical protection for people who file charges against their sexual attackers by safeguarding them from being sued in civil court. Imagine this—a college student reports that a classmate sexually assaulted her at an off-campus fraternity party. The student presses charges, and the case ends up in court. Despite presenting compelling evidence at trial, the alleged assaulter is found not guilty under the criminal cases’ heightened standard of proof (“beyond a reasonable doubt”). Without the protection of Senate Bill 549, the survivor may face additional court costs and the psychological trauma of another trial. The cost to rape survivors is already high. One study estimated the “lifetime” cost of rape per victim to be \$122,461¹. A fear of additional financial and emotional consequences creates a “chilling effect,” discouraging survivors from reporting rape and other sexual assaults. As a result, many acts of sexual violence will continue to go unreported. **Senate Bill 549 will help make college campuses safer by enabling victims of sexual violence to come forward without fear of further repercussions.**

Senate Bill 549 will help reduce the “chilling effect” of potential civil liability for reporting sexual assault to campus officials and police officers. This “chilling effect” refers to the idea that individuals who have been sexually assaulted refrain from reporting these incidents to law enforcement or Title IX officials out of fear of damaging social relationships, enduring further trauma, and without Senate Bill 549, also potential civil legal consequences. As a former undergraduate Resident/Community Assistant, I once had a student disclose to me that she had been sexually assaulted. When I informed her I was a mandatory reporter and would need to relay this information to my supervisor, she began to panic. She begged me not to report

¹ Peterson, C., DeGue, S., Florence, C., & Lokey, C. N. (2017). Lifetime Economic Burden of Rape Among U.S. Adults. *American journal of preventive medicine*, 52(6), 691–701. <https://doi.org/10.1016/j.amepre.2016.11.014>. There was an overall population economic burden of nearly \$3.1 trillion, respectively \$1.2 trillion in medical costs, \$1.6 trillion in lost work productivity, \$234 billion in criminal justice activities, and \$36 billion in other costs.

it—“Please, I don’t want to go through this again . . . I haven’t seen him in years . . . I’m in a really good place now . . . Would the cops find out? . . . Would my parents?”

My resident’s fear, while disheartening, is not unique. Similar to the 1 in 4 women who have been raped across the United States, 21.3% of women in Maryland have been raped, and 44% have faced other forms of sexual violence². Despite this, only about 31% of rape and sexual assault cases are reported to law enforcement,³ and among college women, the number of reports to law enforcement drops to just 20%⁴. **Senate Bill 549 fosters a safer environment for reporting sexual assault by alleviating one of the many fears survivors already face—being sued for reporting.** There are a number of reasons why people, most often women, do not report acts of sexual violence. Research shows that many survivors do not report sexual violence because of a lack of faith in the criminal justice system, a feeling of self-blame,⁵ and a fear of consequences,⁶ such as getting themselves or others in trouble. While opponents of the bill may be concerned about false reporting, studies show that the false reporting rate for rape and sexual assault is between 2% and 8%—numbers consistent with the false reporting of other crimes.⁷ The psychological and social consequences alone are significant barriers, without the additional fear of civil liability just for reporting the assault.

A key step in reducing the “chilling effect” on reporting is ensuring that all individuals, even young people, feel empowered to report sexual misconduct—a protection Senate Bill 549 aims to provide. The Levitas Initiative uses an intervention model to engage middle school students in educational activities designed to help them identify, question, and reject the destructive ideas that lead to sexual violence. Research reveals a “bullying to sexual assault pathway,” where bullying behaviors in elementary school can escalate to homophobic

² MCASA, Sexual Assault in Maryland Fact Sheet (2023).

https://mcasa.org/assets/files/Sexual_Assault_in_MD_Fact_Sheet_2023.pdf.

³ Wieberneit, M., Thal, S., Clare, J., Notebaert, L., & Tubex, H. (2024). Silenced Survivors: A Systematic Review of the Barriers to Reporting, Investigating, Prosecuting, and Sentencing of Adult Female Rape and Sexual Assault. *Trauma, Violence, & Abuse*, 25(5), 3742–3757.

<https://doi.org/10.1177/15248380241261404>.

⁴ Sinozich, S., & Langton, L. (2014). Rape and Sexual Assault Victimization Among College-Age Females, 1995–2013, 1.

⁵ Stewart, S., Willmott, D., Murphy, A., & Phillips, C. (2023). “*I thought I’m better off just trying to put this behind me*” – A Contemporary Approach to Understanding Why Women Decide Not to Report Sexual Violence. *The Journal of Forensic Psychiatry & Psychology*, 35(1), 85–101.

<https://doi.org/10.1080/14789949.2023.2292103>.

⁶ Wieberneit, M., Thal, S., Clare, J., Notebaert, L., & Tubex, H. (2024). Silenced Survivors: A Systematic Review of the Barriers to Reporting, Investigating, Prosecuting, and Sentencing of Adult Female Rape and Sexual Assault. *Trauma, Violence, & Abuse*, 25(5), 3742–3757.

<https://doi.org/10.1177/15248380241261404>.

⁷ Comment: “Real Rape”: Bias That Allows Violent Offenders To Escape Real Accountability, 52 *Cumberland Law Review* 259, 273. <https://heinonline.org/HOL/P?h=hein.journals/cumlr52&i=269/>.

bullying and sexual harassment in middle school.⁸ These behaviors, in turn, can morph into sexual assault and rape in high school and college. The Levitas Initiative focuses on middle school-aged students, as sexual harassment is at its highest during this period.⁹ We aim to prevent the escalation of sexual violence into sexual assault and rape, which are at their highest in college.¹⁰ Without the protections of Senate Bill 549, it is more challenging to teach students to protect their boundaries and intervene if they witness or suspect sexual assault. Without the protections Senate Bill 549 provides, these same students—just as they reach college-age when they are most at risk—will have to know that they could be sued for reporting the very conduct they learned is a crime.

Conclusion

Senate Bill 549 protects survivors from undergoing additional court proceedings simply because of their decision to report their sexual assault. Additionally, Senate Bill 549 helps combat the “chilling effect” many individuals, especially college students, must overcome to report their sexual assault. Furthermore, Senate Bill 549 alleviates one of the fears many survivors face when they speak up—a fear of “getting in trouble” for reporting their assault. For these reasons, **we request a favorable report on Senate Bill 549.**

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This testimony represents the personal opinions of faculty, staff, and students in the Erin Levitas Initiative for the Prevention of Sexual Assault at the University of Maryland Francis King Carey School of Law based on their knowledge and experience. It does not represent the position of the University of Maryland System, the University of Maryland Baltimore, or Maryland Carey Law.

⁸ Espelage D. L., Basile K. C., Leemis R. W., Hipp T. N., Davis J. P. (2018) Longitudinal Examination of the Bullying-Sexual Violence Pathway across Early to Late Adolescence: Implicating Homophobic Name-Calling. *J Youth Adolesc.*, 4, <https://pmc.ncbi.nlm.nih.gov/articles/PMC6098975/>.

⁹ Espelage, D. L., Ingram, K. M., Hong, J. S., & Merrin, G. J. (2022). Bullying as a developmental precursor to sexual and dating violence across adolescence: Decade in review. *Trauma, Violence, & Abuse*, 23(4), 1358–1370, 1362.

¹⁰ Sinozich, S., & Langton, L. (2014). Rape and Sexual Assault Victimization Among College-Age Females, 1995–2013, 3.

FreeState_Justice_SB0549_FAVORABLE.pdf

Uploaded by: Ronnie Taylor

Position: FAV



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Finance Committee
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Monday, February 3, 2025

SB0549 – Civil Actions - Immunity - Disclosure of Allegations of Sexually Assaultive Behavior (Stop Silencing Survivors Act)

Position: **FAVORABLE**

Chair Smith, Vice Chair Waldstreicher, and Esteemed Members of the Judicial Proceedings Committee:

My name is Ronnie L. Taylor, and I serve as the Community Advocacy Manager at FreeState Justice, a nonprofit organization dedicated to addressing legal and systemic inequities affecting Maryland's LGBTQ+ community. I am here to testify in strong support of **Senate Bill 0549**, the Stop Silencing Survivors Act.

SB0549 addresses a critical issue: the fear of legal repercussions that silences survivors of sexually assaultive behavior. This fear is particularly pronounced within the LGBTQ+ community, where individuals already face heightened rates of sexual violence. According to the Centers for Disease Control and Prevention, 44% of lesbian women and 61% of bisexual women experience rape, physical violence, or stalking by an intimate partner in their lifetime. For gay and bisexual men, the rates are 26% and 37%, respectively. Transgender individuals are also at significant risk, with 21% of transgender, genderqueer, and nonconforming college students reporting sexual assault.

Despite these alarming statistics, many LGBTQ+ survivors remain silent due to fear of retaliation or disbelief. **SB0549** seeks to empower these individuals by providing immunity from liability to those who, in good faith, disclose information about allegations of sexually assaultive behavior. This legal protection is crucial for fostering an environment where survivors feel safe to come forward, thereby promoting accountability and preventing further harm.

The bill establishes a presumption of good faith for individuals disclosing such information, which can only be rebutted by clear and convincing evidence of actual malice or intentional or reckless disclosure of false information. This

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standard ensures that the legal system supports survivors while safeguarding against malicious or false accusations.

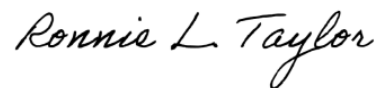
Furthermore, **SB0549** mandates the awarding of reasonable attorney fees and costs to individuals who successfully defend against claims challenging their good faith disclosures. This provision is essential for protecting individuals from financial burdens that could deter them from speaking out.

In Maryland, the LGBTQ+ community continues to face significant challenges related to sexual violence. A 2023 survey revealed that over 46% of transgender and gender-diverse individuals in the state have experienced physical violence or sexual assault in their lifetime.

By passing **SB0549**, Maryland can take a significant step toward supporting survivors and fostering a culture of openness and accountability. This legislation not only addresses a critical gap in protections but also reinforces Maryland's commitment to equity and inclusion.

In closing, I respectfully urge the committee to issue a favorable report for **SB0549**.

Best,



Ronnie L. Taylor

Sources:

1. [HRC | Understanding Intimate Partner Violence in the LGBTQ+ Community](#)
2. [HRC | HRC Report Shows that LGBTQ People are More Likely to be...](#)

SB 549 - Stop Silencing Survivors Act - Love testi

Uploaded by: Sara Love

Position: FAV

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THE SENATE OF MARYLAND ANNAPOLIS, MARYLAND 21401

SB 549 – the Stop Silencing Survivors Act

Chair Smith, Vice Chair Waldstreicher, colleagues on JPR.

SB 549 seeks to address an abusive litigation practice that targets survivors of sexual assault.¹ These survivors are being sued for any number of torts, including defamation and intentional infliction of emotional distress, by those who assault them. This tactic has had the intended effect of not only further victimizing the survivors but also dissuading other survivors from reporting the crime they suffered.

Modeled after our current law protecting employers who provide references for former employees,² SB 549 balances access to the courts with preventing abusive lawsuits. Under SB 549, a “person acting in good faith may not be held liable for disclosing any information about allegations of sexually assaultive behavior to another person.” The bill further allows that the good faith presumption may be overcome by clear and convincing evidence that the person acted with actual malice or recklessly disclosed false information. SB 549 preserves access to the courts, and sets a standard will ensure that those who bring these suits have been harmed and are not using them to further abuse their victim.

For these reasons, I respectfully request your favorable report on SB 549.

¹ See NPR [piece](#), “This lawyer is fighting defamation suits that can silence sexual assault victims”; Harvard [article](#), “How Defamation is Used to Silence Survivors.” It is so prevalent that The Women’s Legal Defense and Education Fund created a [guide](#) for survivors on how to handle these suits.

² Courts & Judic. Proc. §5-423. Immunity - Disclosure of information regarding employee or former employee.

(a) Liability of employer.- 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....

(b) Presumption of good faith; exceptions.- An employer who discloses information under subsection (a) of this section shall 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.

SB 549 - MNADV - FWA .pdf

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Position: FWA



BILL NO: Senate Bill 549
TITLE: Civil Actions – Immunity – Disclosure of Allegations of Sexually
Assaultive Behavior - (Stop Silencing Survivors Act)
COMMITTEE: Judicial Proceedings
HEARING DATE: February 6, 2025
POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals, for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 549.**

Under Senate Bill 549, a person who has in good faith alleged that another person has engaged in sexually assaultive behavior (see § 10-923 of MD. Code Ann. Courts and Judicial Proceedings) is not liable for defamation. Good faith is defined in SB 549. There would be a presumption that the disclosing person acted in good faith unless it could be shown by clear and convincing evidence that they did not so act, rather that they disclosed false information with actual malice or intentional or with reckless disregard for the truth. Attorney fees could be awarded to the prevailing party.

Senate Bill 549 is essentially a specific anti-SLAPP (strategic lawsuit against public participation) type measure to address the increasing occurrence of an abuser retaliatorily suing their victim/survivor for defamation. Abusers use the judicial system to continue to harass their victims, retraumatizing them, causing them fear, and causing expense to defend against the lawsuit. This happens sometimes even if the abuser has been found to have committed the acts for which he or she was charged. The very existence of the lawsuit against a survivor can be very damaging to a survivor. Defamation lawsuits filed against victims who speak out are prohibitively expensive, time-consuming and emotionally draining, and contribute to a silencing effect on all victims, present and future.¹

We note that the same behavior of using the legal system as a retaliatory act against a survivor also occurs in domestic violence cases and we offer what we hope is considered a friendly

¹ <https://www.wusf.org/2024-11-10/this-lawyer-is-fighting-defamation-lawsuits-that-can-silence-sexual-assault-victims>. Last Viewed 2/3/2025.



amendment to add that population to this bill, perhaps by using the definition of a person eligible for relief found in Md. Code Ann. FL Section 4-501 et seq.

Because the defamation suits by perpetrators of sexual and intimate partner abuse are a damaging retaliatory act against a survivor, the **Maryland Network Against Domestic Violence urges a favorable report on SB 549 with amendment.**

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ lruth@mnadv.org

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SB549 FAIR Unfav.pdf

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Position: UNF

Unfavorable Response to SB549

Civil Actions - Immunity - Disclosure of Allegations of Sexually Assaultive Behavior

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. FAIR opposes SB549 because it lacks sufficient protection for individuals accused of sexual offenses and creates a high risk of reputational harm through false allegations.

Key Concerns:

1. **Presumption of Good Faith:** The bill assumes that any accusation made by a third party is in good faith, placing the burden on the accused to prove malice or recklessness.
2. **High Burden of Proof for the Accused:** The accused must prove with "clear and convincing evidence" that the informant acted maliciously or recklessly, while the informant can easily claim they made an innocent mistake without consequence.
3. **Potential for Abuse:** The bill creates opportunities for false or misleading allegations to spread publicly (e.g., social media, employers, landlords) while reducing meaningful legal recourse for the accused.

FAIR does understand the difficulty faced by someone with a claim of abuse. These two suggestions would help reduce our concerns.

1. **Limit Immunity to Law Enforcement Reports:** The bill should only provide immunity when the confidant either (a) knows a report was made to law enforcement or (b) reports the allegation to law enforcement themselves.
2. **Adjust Burden of Proof Standard:** If allegations are proven false or prosecution does not occur, the accused should not have to meet a "clear and convincing" standard to challenge the accusation. In some cases, a decision not to prosecute should create a presumption that the accusation was made recklessly or maliciously.

These are very substantial changes, however, and thus we ask that the committee vote NO on this bill.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries