



## 2026 POSITION PAPER

### SB 251 Maryland Uniform Public Expression Protection Act FAVORABLE

The Maryland Association for Justice (MAJ) supports SB 251 (the Maryland Uniform Public Expression Protection Act) to modernize existing law and to make Maryland law consistent with nationwide SLAPP statutes and the Uniform Public Expression Protection Act.

The purpose of this proposed legislation is to protect First Amendment free speech rights guaranteed by the United States Constitution. When citizens speak out against wrongful conduct or laws, sometimes individuals who take issue with their speech file meritless lawsuits as a deterrent to free expression, known as “SLAPP” lawsuits (strategic lawsuits against public participation). The UPEPA protects individuals from SLAPP lawsuits, which are intended to suppress free speech.

Why is it necessary to modernize Maryland law? As can be seen in the attached chart from the Institute for Free Speech, Maryland’s current law rates the **lowest** in protecting freedom of expression, earning a score of only 10 out of 100! Only five states score under 50. In contrast, 27 out of 35 states score between 85 and 100.

In 2020, the Uniform Law Commission (ULC), a nonprofit, nonpartisan organization of state commissioners on uniform laws, promulgated the Uniform Public Expression Protection Act (UPEPA) as a model anti-SLAPP statute. ([www.ifs.org/anti-slapp-report/#The-Uniform-Law](http://www.ifs.org/anti-slapp-report/#The-Uniform-Law)). In the past 5 years, at least 14 states have adopted the UPEPA.

By adopting the UPEPA, SB 251 fixes weaknesses in existing Maryland law, including but not limited to the following:

- 1) Eliminates defendant’s need to prove that the plaintiff was acting in “bad faith” by filing the SLAPP lawsuit, instead focusing on whether the plaintiff intended to suppress speech;
- 2) Expands breadth of application to any communications with government;
- 3) Makes it quicker and more economical to challenge a SLAPP suit by providing special preliminary motions and a stay for expedited relief; and
- 4) Establishes limited discovery rights.

SB 251 replaces Maryland’s outdated anti-SLAPP law and protects free speech by discouraging meritless suppressive lawsuits, creating appropriate remedies, and bringing Maryland into congruity with many other States.

**The MAJ urges a FAVORABLE Report.**

#### About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout Maryland. MAJ advocates to preserve the civil justice system, protect consumers’ rights, and educate and advance members’ knowledge and abilities.

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Here is a summary of the points earned for these five protective components in each jurisdiction with an anti-SLAPP law:

Jurisdiction	Anti-SLAPP Law Protections					Subscore
	Suspension of Court Proceedings Upon an Anti-SLAPP Motion	Burden of Proof on Plaintiff to Defeat an Anti-SLAPP Motion	Right to an Immediate Appeal	Award of Costs and Attorney Fees	Expansive Statutory Interpretation Instruction to Courts	
ULC Model Law	20	12	25	40	3	100
Arizona	9	6	13	10	0	38
Arkansas	20	12	0	10	0	42
California	18	12	25	38	3	96
Colorado	18	12	25	36	0	91
Connecticut	18	12	20	36	0	86
Delaware	20	12	25	40	3	100
District of Columbia	0	12	20	25	0	57
Florida	5	6	25	10	0	46
Georgia	20	12	25	40	3	100
Hawaii	20	12	25	40	3	100
Idaho	20	12	25	40	3	100
Illinois	20	12	25	36	3	96
Indiana	18	0	0	36	0	54
Iowa	20	12	25	40	3	100
Kansas	20	12	25	36	3	96
Kentucky	20	12	25	40	3	100
Louisiana	18	12	0	40	0	70
Maine	20	12	25	40	3	100
Maryland	10	0	0	0	0	10
Massachusetts	18	12	20	36	0	86
Minnesota	20	12	25	40	3	100
Missouri	18	0	5	36	0	59
Montana	20	12	25	40	3	100
Nebraska	5	12	0	10	0	27
Nevada	18	12	25	36	0	91
New Jersey	12	12	25	40	3	92
New Mexico	5	6	25	36	0	72
New York	20	12	25	40	0	97
Ohio	20	12	25	40	3	100
Oklahoma	18	12	25	36	0	91
Oregon	18	12	25	40	3	98
Pennsylvania	0	0	25	40	3	68
Rhode Island	18	6	0	36	0	60
Tennessee	18	12	25	36	0	91
Texas	18	12	25	38	3	96
Utah	20	12	25	40	3	100
Vermont	18	12	25	36	0	91
Virginia	0	0	0	10	0	10
Washington	20	12	25	40	3	100

P. 25 of “2025-Anti-SLAPP-Scorecard-HQ.pdf” by Institute for Free Speech, a nonpartisan, nonprofit 501(c)(3) promoting and defending First Amendment rights. [www.ifs.org/anti-slapp-report/](http://www.ifs.org/anti-slapp-report/)