



1350 I STREET NW
SUITE 700
WASHINGTON, DC 20005
202-588-5180
NWLC.ORG

**Testimony of Elizabeth Tang
Senior Counsel, National Women's Law Center
In Support of Senate Bill 295 (FAV)
Before the Senate Judicial Proceedings Committee
February 3, 2026**

I write on behalf of the National Women's Law Center (NWLC) in support of Senate Bill 295, 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.

SB 295 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 295 is critical to closing this gap and protecting survivors in Maryland.

Sexual assault is widely prevalent, but retaliation causes severe under-reporting. 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 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 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 In fact, because NWLC has heard from so many survivors being sued for defamation, we created a toolkit advising survivors on how to defend against defamation lawsuits and other retaliation.¹¹ We have also submitted amicus briefs in states like Connecticut, the District of Columbia, Illinois, Massachusetts, and New York in support of survivors who were sued for defamation after reporting sexual assault.¹²

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 above \$100,000 or \$1,000,000.¹³ 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.

Maryland's anti-SLAPP law does not sufficiently protect survivors. First, Maryland's anti-SLAPP law only protects speech from retaliatory suits (including defamation suits) if it is communicated to a "**government body or the public at large**."¹⁴ As a result, survivors are not protected if they disclose sexual assault to their family, friends, school, or employer. Second, Maryland's anti-SLAPP law only protects speech on an "**issue of public**

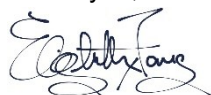
concern.¹⁵ Unfortunately, the statute does not specify whether sexual assault is an issue of public concern, and many courts have routinely held that sexual assault and domestic violence are private—not public—matters.

SB 295 closes the gap and ensures fairness to all parties. Under SB 295, people who allege sexually assaultive behavior will be protected from defamation and other civil liability if they act in good faith—*i.e.*, without **actual malice, intent, or recklessness** proven by a **preponderance of the evidence**. In addition, they will receive attorney fees and court costs if they are sued for making those allegations. This ensures that sexual assault survivors can freely report in the first place—just like any other defendant under Maryland’s existing anti-SLAPP law. At the same time, SB 295 allows people who are falsely accused of sexual assault to pursue meritorious defamation lawsuits when they can establish that the accusations were made in bad faith—just like any other plaintiff can under Maryland’s anti-SLAPP law. In other words, SB 295 treats all parties fairly.

Maryland should pass SB 295! At least 15 states considered similar bills in 2025. **California, Connecticut, Maine, New York, Oregon,** and **Virginia** all passed similar bills in recent years to explicitly protect survivors from being targeted by defamation and other retaliatory lawsuits.¹⁶ I hope Maryland will join them.

For all of these reasons, I ask the Committee to issue a favorable report on Senate Bill 295. I am happy to answer any questions at etang@nwlc.org or (202) 956-3061.

Thank you,



Elizabeth Tang
Senior Counsel
National Women’s Law Center

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>.

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 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>.

¹² NWLC, *Ventura v. Todaro* (Mar. 31, 2025), <https://bit.ly/4lctGaY>; NWLC, *Banks v. Hoffman* (Apr. 18, 2024), <https://bit.ly/3R0KGTz>; NWLC, *Sabatini v. Knouse* (Mar. 22, 2024), <https://bit.ly/3FbwVz5>; Legal Momentum, *Khan v. Yale Univ.* (Aug. 5, 2022), <https://bit.ly/3Fg3l65>; NWLC, *Gottwald v. Sebert* (Apr. 22, 2022), <https://bit.ly/3Dslnpi>; NWLC, *Constellation v. Dent* (May 26, 2021), <https://bit.ly/4icDOOZ>; NWLC, *Sagaille v. Carrega* (Aug. 11, 2020), <https://bit.ly/3Ffun2Q>.

¹³ 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/3lDCPqU>.

¹⁴ Md. Cts. & Jud. Proceedings § 5–807(c).

¹⁵ *Id.*

¹⁶ See, e.g., at Cal. Civ. Code § 47.1 (2023) (creating a privilege for statements about “sexual assault, harassment, or discrimination”); HB 7134, 2025 Gen. Assemb., Reg. Sess. (Conn. 2025) (amending anti-SLAPP law to protect written statements made without malice about a crime or act of discrimination under state’s human rights act from civil liability) (eff. Oct. 1, 2025); LD 385, 132nd Leg., 1st Special Sess. (Me. 2025) (amending anti-SLAPP law to protect statements made without malice about sexual assault, sexual harassment, or discrimination from civil liability) (awaiting governor’s signature as of June 16, 2025); Me. Rev. Stat. Ann. tit. 14, § 733(2)(D) (2024) (extending anti-SLAPP law to include statements made in a discrimination complaint filed under the human rights act, campus sexual misconduct code, or Title IX); N.Y. Civ. Rights Law §§ 70-a, 76-a (2020) (extending anti-SLAPP law to protect survivors); S.B. 180, 83rd Leg. Assemb. (Or. 2025) (amending anti-SLAPP law to protect statements made without malice about sexual assault from defamation liability) (eff. Jan. 1, 2026); H.B. 1888, 163d Gen. Assemb., Reg. Sess. (Va. 2025) (amending anti-SLAPP law to protect statements made in a Title IX hearing at an institution of higher education from civil liability) (eff. July 1, 2025).