

January 30, 2026

In Strong Support of the Stop Silencing Survivors Act, SB 295

Dear Honorable Chair, Vice Chair, and Honorable Members of the Committee:

My name is Victoria Burke. I am an attorney, an adjunct law professor, and the architect of the legislation commonly known as the Speak Your Truth Act, first enacted in California as AB 933 (California Civil Code § 47.1) and since enacted in **four states—California, Connecticut, Maine, and Oregon**. SB 295 is modeled on that proven framework. I submit my testimony in strong support of Maryland's **Stop Silencing Survivors Act**, which would close a critical gap in Maryland law and ensure that survivors of sexual assault are not silenced through retaliatory defamation lawsuits when they speak truthfully and in good faith about what happened to them. In strong support of this bill, I offer my personal testimony.

WHY CURRENT MARYLAND LAW IS NOT ENOUGH

Maryland's existing anti-SLAPP statute (§ 5-807) is important, but it does not adequately protect survivors of sexual assault. The statute primarily protects speech made to the government or the public at large on matters of public concern. Courts have frequently held that sexual assault and sexual harassment are private matters, not issues of public concern.

As a result, most survivor disclosures fall outside the statute's protection. Survivors typically speak to family members, friends, employers, HR departments, school administrators, Title IX investigators, or support networks. These are precisely the contexts where retaliatory defamation lawsuits are most often used, and where Maryland law currently offers the least protection.

The Stop Silencing Survivors Act directly addresses this gap by protecting good-faith disclosures about sexual assault regardless of whether a court later characterizes the speech as a matter of public concern.

WHAT THE BILL DOES — AND DOES NOT DO

What the bill does is establish a clear legal presumption that survivors who speak in good faith about sexual assault are protected from retaliatory lawsuits. Importantly, it allows prevailing survivor-defendants to recover attorney's fees. This fee-shifting provision serves two critical purposes: it incentivizes attorneys to take on these difficult cases despite survivors' often-limited financial resources, and it disincentivizes the filing of frivolous, retaliatory lawsuits designed solely to intimidate and silence.

Some may ask why truthful speech alone is not sufficient protection under existing defamation law. The answer is that even when a survivor ultimately prevails, the harm has already been done. Defending a defamation lawsuit can cost hundreds of thousands of dollars, and under current law, a survivor who wins must still bear their own attorney's fees. The result is a second injury, severe financial harm, imposed by a lawsuit that is later shown to be meritless. This bill corrects that imbalance by ensuring that survivors are not punished financially for telling the truth. Without this protection, silence remains the rational economic choice.

PROVEN, BIPARTISAN SUCCESS NATIONWIDE

California enacted this law unanimously in 2023. Connecticut, Maine, and Oregon have since followed, all with bipartisan, and often unanimous, support. New Jersey's Assembly passed its version unanimously, and additional states are advancing this reform.

FISCAL IMPACT

The Stop Silencing Survivors Act has zero fiscal impact. It requires no new funding, staffing, or state resources. By discouraging meritless lawsuits, it may reduce strain on Maryland's courts.

WHY THIS BILL MATTERS TO ME PERSONALLY AS A SURVIVOR

Several years ago, I believe my drink was drugged and that I was sexually assaulted by a male acquaintance that I trusted. I nearly died that night and was left in a severe coma from whatever substance was put into my drink. After being released from the hospital, I reported the assault to the police. No arrest followed, in part because key evidence was lost during the investigation.

In the aftermath, a defamation attorney warned me that if I spoke publicly about what happened and identified the man I believed assaulted me, I could be sued for defamation. Even if I ultimately prevailed, the cost of defending such a lawsuit could be financially ruinous. Like so many survivors, I was forced to choose between my safety and my truth. Silence became the only affordable option.

Later, I learned that the same man went on to sexually harass two students at the law school where I teach and where he volunteered. He is now banned from campus. Sexual predators rarely stop at one victim; they continue until someone is able to speak. This experience underscores why survivor speech is not merely personal, it is a matter of public safety.

CONCLUSION

The fear of defamation litigation is one of the most powerful tools used to silence survivors of sexual assault. The Stop Silencing Survivors Act restores balance by protecting truthful, good-faith speech while preserving due process and accountability.

I respectfully urge this Committee to advance the Stop Silencing Survivors Act with a favorable report.

Respectfully submitted,

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Architect, Speak Your Truth Act (AB 933 / CA Civil Code § 47.1)

Attorney, Adjunct Professor, and Legislative Advocate for Survivor Speech