

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 399 (Senator Collins)

Judicial Proceedings

Qualified Immunity from Civil Liability - SLAPP Suits

This bill establishes that a lawsuit is a “strategic lawsuit against public participation” (SLAPP suit) if it is: (1) brought in bad faith against a party who has exercised specified federal or State constitutional rights of free speech in communicating with a government body or the public at large; (2) materially related to the defendant’s communication; and (3) intended to inhibit the exercise of those constitutional rights. The bill provides immunity from civil liability to a defendant in a SLAPP suit who acts in good faith in exercising the same constitutional rights. A defendant is allowed to file a counterclaim, and may move to dismiss a SLAPP suit, or to stay all court proceedings.

The bill is applied prospectively only.

Fiscal Summary

State Effect: None. Any effect on the Judiciary’s caseload is expected to be negligible.

Local Effect: None.

Small Business Effect: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 10, 1998

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