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March 12, 2020

To: The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee

From: The Office of the Attorney General

Re: Senate Bill 1042 – Civil Actions – Strategic Lawsuits Against Public Participation –
SUPPORT

The Office of the Attorney General urges the Committee to report favorably on Senate Bill 1042. Strategic Lawsuits Against Public Participation (hereinafter, SLAPP) are antithetical to the right to speech and petition enshrined in the First Amendment in the United States Constitution, and are counter to the American belief of free speech and healthy debate.

SLAPP lawsuits are lawsuits that are intended to censor, intimidate, and silence critics by burdening them with the cost of a legal defense until they abandon their criticism or opposition.¹ A lawsuit is a SLAPP suit if it is brought against a person based on an act or statement of the person that was done or made in furtherance of the person's right of petition or free speech under the United States Constitution, the Maryland Constitution, or the Maryland Declaration of Rights in connection with a public issue or an issue of public interest.² Unfortunately, these types of lawsuits became so persuasive and successful at chilling speech that Maryland, along with 24 other states, passed anti-SLAPP laws. However, Maryland's anti-SLAPP law is outdated, and in need of reform.³

Senate Bill 1042 will provide the necessary updates to the anti-SLAPP law to protect First Amendment rights of Marylanders, and ensure that Marylanders are not brought to court to defend meritless suits for expressing their beliefs and opinions.

¹ Public Participation Project, *What is SLAPP?*, <https://anti-slapp.org/what-is-a-slapp>.

² House Bill 379, *Fiscal and Policy Notice*, http://mgaleg.maryland.gov/2020RS/fnotes/bil_0009/hb0379.pdf.

³ See anti-slapp.org/Maryland (grading Maryland at a D for anti-SLAPP law), <https://anti-slapp.org/maryland> (last accessed March 9, 2020).

For the reasons, the Office of the Attorney General urges the Committee for a favorable report of Senate Bill 1042.

cc: Members of the Senate Judicial Proceedings Committee