



The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 162 – CIVIL ACTIONS – STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION

A SLAPP suit, which stands for Strategic Lawsuit Against Public Participation is intended to shut down free speech by someone who has made a public statement before a public body or a citizen who has spoken out about an issue or provided a review or criticized a powerful public figure. It is intended to silence, inflict financial damage, and intimidate. This bill would assist the defendant in such a lawsuit and make it more difficult for plaintiffs to exert their power in wearing down the defendant.

The bill clarifies that our SLAPP statute extends speech beyond just those before governmental entities to include online and blog reviews, letters to the editor, and other venues commonly used by community members to share thoughts and ideas and to assist the community in choosing goods and services in the marketplace.

The bill makes a number of very important improvements to our current SLAPP statute:

- 1) It eliminates the requirement that a plaintiff demonstrate “bad faith” in bringing forth the suit. This was a unique provision in our law that proved difficult and costly, requiring extensive discovery. The current bill requires focus on a meritless complaint.
- 2) It enables attorneys’ fees to be shifted, providing a deterrent to a deep-pocketed plaintiff.
- 3) It requires courts to act promptly and hold discovery until there are expeditious rulings.

It’s important to note that none of these changes to current law would serve as a chilling effect to legitimate lawsuits since expedited procedures would weed out meritorious claims efficiently.

The bill also includes assurances that certain commercial speech does not qualify under the SLAPP statute, enabling appropriate suits over product liability and deceptive trade to remain outside the SLAPP scope.

We believe these changes to our SLAPP statute will make it among the strongest in the country and for these reasons I ask for your support of SB 162. Thank you.