

communicating with a government body or the public at large, without constitutional malice, exercises rights under the First Amendment of the U.S. Constitution or certain articles of the Maryland Declaration of Rights regarding certain matters; describing certain elements of a SLAPP suit; allowing a defendant in a SLAPP suit to move to dismiss the alleged SLAPP suit and requiring the court to hold a hearing on the motion as soon as practicable; allowing a defendant to file a motion to stay all court proceedings until the underlying matter about which the defendant communicated is resolved; making this Act applicable to SLAPP suits notwithstanding any other law or rule; providing that this Act does not diminish any equitable or legal right or remedy otherwise available to a defendant; defining a certain term; providing for the application of this Act; and generally relating to strategic lawsuits against public participation (SLAPP suits) and immunity from civil liability in those lawsuits.

BY adding to

Article - Courts and Judicial Proceedings

Section 5-807

Annotated Code of Maryland

(2002 Replacement Volume and 2003 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

5-807.

(A) IN THIS SECTION, "SLAPP SUIT" MEANS A STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION.

(B) A LAWSUIT IS A SLAPP SUIT IF IT IS:

(1) BROUGHT IN BAD FAITH AGAINST A PARTY WHO HAS COMMUNICATED WITH A FEDERAL, STATE, OR LOCAL GOVERNMENT BODY OR THE PUBLIC AT LARGE TO REPORT ON, COMMENT ON, RULE ON, CHALLENGE, OPPOSE, OR IN ANY OTHER WAY EXERCISE RIGHTS UNDER THE FIRST AMENDMENT OF THE U.S. CONSTITUTION OR ARTICLE 10, ARTICLE 13, OR ARTICLE 40 OF THE MARYLAND DECLARATION OF RIGHTS REGARDING ANY MATTER WITHIN THE AUTHORITY OF A GOVERNMENT BODY;

(2) MATERIALLY RELATED TO THE DEFENDANT'S COMMUNICATION;
AND

(3) INTENDED TO INHIBIT THE EXERCISE OF RIGHTS UNDER THE FIRST AMENDMENT OF THE U.S. CONSTITUTION OR ARTICLE 10, ARTICLE 13, OR ARTICLE 40 OF THE MARYLAND DECLARATION OF RIGHTS.

(C) A DEFENDANT IN A SLAPP SUIT IS NOT CIVILLY LIABLE FOR COMMUNICATING WITH A FEDERAL, STATE, OR LOCAL GOVERNMENT BODY OR THE PUBLIC AT LARGE, IF THE DEFENDANT, WITHOUT CONSTITUTIONAL MALICE,