

REPORTS ON, COMMENTS ON, RULES ON, CHALLENGES, OPPOSES, OR IN ANY OTHER WAY EXERCISES 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.

(D) A DEFENDANT IN AN ALLEGED SLAPP SUIT MAY MOVE TO:

(1) DISMISS THE ALLEGED SLAPP SUIT, IN WHICH CASE THE COURT SHALL HOLD A HEARING ON THE MOTION TO DISMISS AS SOON AS PRACTICABLE; OR

(2) STAY ALL COURT PROCEEDINGS UNTIL THE MATTER ABOUT WHICH THE DEFENDANT COMMUNICATED TO THE GOVERNMENT BODY OR THE PUBLIC AT LARGE IS RESOLVED.

(E) THIS SECTION:

(1) IS APPLICABLE TO SLAPP SUITS NOTWITHSTANDING ANY OTHER LAW OR RULE; AND

(2) DOES NOT DIMINISH ANY EQUITABLE OR LEGAL RIGHT OR REMEDY OTHERWISE AVAILABLE TO A DEFENDANT IN A SLAPP SUIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.

Approved May 11, 2004.

CHAPTER 280

(House Bill 930)

AN ACT concerning

Qualified Immunity from Civil Liability - SLAPP Suits

FOR the purpose of granting qualified immunity from civil liability to a defendant in a strategic lawsuit against public participation (SLAPP suit) who, when 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;