



Rep. Mary Beth Canty

Filed: 3/14/2025

10400HB3311ham001

LRB104 08912 JRC 23667 a

1 AMENDMENT TO HOUSE BILL 3311

2 AMENDMENT NO. _____. Amend House Bill 3311 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. References to Act. This Act may be referred to
5 as the Protect Survivors Reporting Act.

6 Section 5. The Code of Civil Procedure is amended by
7 adding Article XXIV as follows:

8 (735 ILCS 5/Art. XXIV heading new)

9 ARTICLE XXIV. GENDER-BASED VIOLENCE

10 (735 ILCS 5/24-105 new)

11 Sec. 24-105. Declaration of public policy. Gender-based
12 violence is a pervasive societal problem, and only a small
13 percentage of incidents are reported, and of those reported an
14 even smaller percentage lead to an arrest or conviction.

1 Survivors of gender-based violence are often silenced by fear
2 of retaliation, including the threat of being sued for
3 defamation, slander, libel, harassment, or other claims
4 related to speaking out. The fear of such lawsuits deters
5 survivors from reporting and allows perpetrators to avoid the
6 consequences of their actions. The use of the legal system to
7 silence survivors has a corrosive effect on survivors and does
8 not serve the public good. The General Assembly recognizes
9 that reporting gender-based violence is a right protected by
10 the Illinois Constitution and the United States Constitution.

11 (735 ILCS 5/24-110 new)

12 Sec. 24-110. Definitions. In this Article:

13 "Claim" means any lawsuit, action, claim, crossclaim,
14 counterclaim, or other judicial pleading or filing alleging
15 injury.

16 "Gender-based violence" means one or more acts of
17 violence, aggression, or abuse satisfying the elements of any
18 criminal or civil offense under the laws of this State that are
19 committed, at least in part, on the basis of a person's actual
20 or perceived sex or gender, regardless of whether the acts
21 were reported to law enforcement or resulted in legal action,
22 including, but not limited to, any act of domestic abuse as
23 defined in the Illinois Domestic Violence Act of 1986, dating
24 violence, human trafficking, sexual assault, sexual abuse,
25 sexual harassment, or stalking.

1 "Motion" includes any motion to dismiss, for summary
2 judgment, or to strike, or any other judicial pleading filed
3 to dispose of a judicial claim.

4 "Moving party" means any person on whose behalf a motion
5 described in Section 24-115 is filed seeking dismissal of a
6 claim.

7 "Person" includes any individual, corporation,
8 association, organization, partnership, 2 or more persons
9 having a joint or common interest, or other legal entity.

10 "Reporting gender-based violence" includes making a
11 disclosure of gender-based violence to authorities, an
12 employer, an educational institution, a public entity, or
13 nonprofit agency, to the press or media or at a public forum,
14 in print, electronically, or via social media, or to another
15 person verbally, in writing, or via electronic means.

16 "Reporting gender-based violence with actual malice" means
17 reporting gender-based violence with knowledge that the
18 statement was false or with reckless disregard of whether it
19 was false or not. The following is not evidence of "reporting
20 gender-based violence with actual malice": the moving party
21 not seeking health care or social services related to the
22 gender-based violence; the moving party not having reported to
23 law enforcement; a State's Attorney's decision not to
24 prosecute; a grand jury's decision not to indict; a criminal
25 case not resulting in a conviction; the moving party not
26 seeking or obtaining a protective order or other civil or

1 administrative relief; the moving party not reporting to an
2 employer, educational institution, or other authority; or an
3 employer, educational institution, or other authority
4 determining the responding party is not responsible for the
5 gender-based violence.

6 "Responding party" means any person against whom a motion
7 described in Section 24-115 is filed.

8 (735 ILCS 5/24-115 new)

9 Sec. 24-115. Applicability. This Article applies to any
10 motion to dispose of a claim that is based on, relates to, or
11 is in response to the moving party's reporting gender-based
12 violence. This includes, but is not limited to, claims
13 alleging defamation, slander, libel, harassment, and actions
14 arising out of the alleged perpetrator of gender-based
15 violence being publicly named. If a court finds that the civil
16 action is based on the moving party reporting gender-based
17 violence, it shall grant a motion to dismiss the claim unless
18 it finds that the responding party has produced clear and
19 convincing evidence that the moving party's report constituted
20 reporting gender-based violence with actual malice.

21 (735 ILCS 5/24-120 new)

22 Sec. 24-120. Motion procedure and standards.

23 (a) On the filing of any motion as described in Section
24 24-115, a hearing and decision on the motion must occur within

1 90 days after notice of the motion is given to the responding
2 party. An appellate court shall expedite any appeal or other
3 writ, whether interlocutory or not, from a trial court order
4 denying that motion or from a trial court's failure to rule on
5 that motion within 90 days after that trial court's order or
6 failure to rule.

7 (b) Discovery shall be suspended pending a decision on the
8 motion. However, discovery may be taken, upon leave of court
9 for good cause shown, on the issue of whether the moving
10 party's report constituted reporting gender-based violence
11 with actual malice.

12 (735 ILCS 5/24-125 new)

13 Sec. 24-125. Attorney's fees, costs, and injunctive relief
14 on the motion. The court shall award a moving party who
15 prevails in a motion under this Article reasonable attorney's
16 fees and costs incurred in connection with the motion, and
17 appropriate injunctive relief, if requested by the moving
18 party. The court may also award a moving party treble damages
19 for any harm caused to the moving party by the action against
20 them and punitive damages. This relief is only available to
21 the moving party.

22 (735 ILCS 5/24-130 new)

23 Sec. 24-130. Damages in the case. In any case in which the
24 moving party filed a motion under this Article, but the claim

1 is not dismissed under Section 24-115, at the conclusion of
2 the case, a prevailing defendant is entitled to reasonable
3 attorney's fees and costs for successfully defending the
4 litigation, plus treble damages for any harm caused by the
5 action, punitive damages, appropriate injunctive relief if
6 requested by the defendant, or any other relief otherwise
7 permitted by law.

8 (735 ILCS 5/24-135 new)

9 Sec. 24-135. Construction of Article.

10 (a) Nothing in this Article shall limit or preclude any
11 rights the moving party may have under any other
12 constitutional, statutory, case or common law, or rule
13 provisions.

14 (b) This Article shall be construed liberally to
15 effectuate its purposes and intent fully.

16 Section 97. Severability. The provisions of this Act are
17 severable under Section 1.31 of the Statute on Statutes.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."