

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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.
15 Survivors of gender-based violence are often silenced by fear
16 of retaliation, including the threat of being sued for
17 defamation, slander, libel, harassment, or other claims
18 related to speaking out. The fear of such lawsuits deters
19 survivors from reporting and allows perpetrators to avoid the
20 consequences of their actions. The use of the legal system to
21 silence survivors has a corrosive effect on survivors and does

1 not serve the public good. The General Assembly recognizes
2 that reporting gender-based violence is a right protected by
3 the Illinois Constitution and the United States Constitution.

4 (735 ILCS 5/24-110 new)

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

6 "Claim" means any lawsuit, action, claim, crossclaim,
7 counterclaim, or other judicial pleading or filing alleging
8 injury.

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

19 "Motion" includes any motion to dismiss, for summary
20 judgment, or to strike, or any other judicial pleading filed
21 to dispose of a judicial claim.

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

25 "Person" includes any individual, corporation,

1 association, organization, partnership, 2 or more persons
2 having a joint or common interest, or other legal entity.

3 "Reporting gender-based violence" includes making a
4 disclosure of gender-based violence to authorities, an
5 employer, an educational institution, a public entity, or
6 nonprofit agency, to the press or media or at a public forum,
7 in print, electronically, or via social media, or to another
8 person verbally, in writing, or via electronic means.

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

11 (735 ILCS 5/24-115 new)

12 Sec. 24-115. Applicability. This Article applies to any
13 motion to dispose of a claim that is based on, relates to, or
14 is in response to the moving party's reporting gender-based
15 violence. This includes, but is not limited to, claims
16 alleging defamation, slander, libel, harassment, and actions
17 arising out of the alleged perpetrator of gender-based
18 violence being publicly named. If a court finds that the civil
19 action is based on the moving party reporting gender-based
20 violence, it shall grant a motion to dismiss the claim unless
21 it finds that the responding party has established by a
22 preponderance of the evidence that the moving party's
23 reporting gender-based violence was done with knowledge that
24 the report was false or with reckless disregard of whether it
25 was false or not.

1 (735 ILCS 5/24-120 new)

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

3 (a) On the filing of any motion as described in Section
4 24-115, a hearing and decision on the motion must occur within
5 90 days after notice of the motion is given to the responding
6 party. An appellate court shall expedite any appeal or other
7 writ, whether interlocutory or not, from a trial court order
8 denying that motion or from a trial court's failure to rule on
9 that motion within 90 days after that trial court's order or
10 failure to rule.

11 (b) Discovery shall be suspended pending a decision on the
12 motion. However, discovery may be taken, upon leave of court
13 for good cause shown, on the issue of whether the moving
14 party's report was made with knowledge that it was false or
15 with reckless disregard of whether it was false or not.

16 (735 ILCS 5/24-125 new)

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

1 the moving party.

2 (735 ILCS 5/24-130 new)

3 Sec. 24-130. Damages in the case. In any case in which the
4 moving party filed a motion under this Article, but the claim
5 is not dismissed under Section 24-115, at the conclusion of
6 the case, a prevailing defendant is entitled to reasonable
7 attorney's fees and costs for successfully defending the
8 litigation, plus treble damages for any harm caused by the
9 action, punitive damages, appropriate injunctive relief if
10 requested by the defendant, or any other relief otherwise
11 permitted by law.

12 (735 ILCS 5/24-135 new)

13 Sec. 24-135. Construction of Article.

14 (a) Nothing in this Article limits or precludes any rights
15 the moving party may have under any other constitutional,
16 statutory, case or common law, or rule provisions.

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

19 (c) The motion created under this Article shall be
20 available in all actions pending or commenced on or after the
21 effective date of this amendatory Act of the 104th General
22 Assembly.

23 Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.