



Rep. Mary Beth Canty

Filed: 4/10/2026

10400HB5078ham001

LRB104 18205 JRC 36322 a

1 AMENDMENT TO HOUSE BILL 5078

2 AMENDMENT NO. _____. Amend House Bill 5078 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 "Responding party" means any person against whom a motion
17 described in Section 24-115 is filed.

18 (735 ILCS 5/24-115 new)

19 Sec. 24-115. Applicability. This Article applies to any
20 motion to dispose of a claim that is based on, relates to, or
21 is in response to the moving party's reporting gender-based
22 violence. This includes, but is not limited to, claims
23 alleging defamation, slander, libel, harassment, and actions
24 arising out of the alleged perpetrator of gender-based
25 violence being publicly named. If a court finds that the civil

1 action is based on the moving party reporting gender-based
2 violence, it shall grant a motion to dismiss the claim unless
3 it finds that the responding party has established by a
4 preponderance of the evidence that the moving party's
5 reporting gender-based violence was done with knowledge that
6 the report was false or with reckless disregard of whether it
7 was false or not.

8 (735 ILCS 5/24-120 new)

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

10 (a) On the filing of any motion as described in Section
11 24-115, a hearing and decision on the motion must occur within
12 90 days after notice of the motion is given to the responding
13 party. An appellate court shall expedite any appeal or other
14 writ, whether interlocutory or not, from a trial court order
15 denying that motion or from a trial court's failure to rule on
16 that motion within 90 days after that trial court's order or
17 failure to rule.

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

23 (735 ILCS 5/24-125 new)

24 Sec. 24-125. Attorney's fees, costs, and injunctive relief

1 on the motion. The court shall award a moving party who
2 prevails in a motion under this Article reasonable attorney's
3 fees and costs incurred in connection with the motion, and
4 appropriate injunctive relief, if requested by the moving
5 party. The court may also award a moving party treble damages
6 for any harm caused to the moving party by the action against
7 them and punitive damages. This relief is only available to
8 the moving party.

9 (735 ILCS 5/24-130 new)

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

19 (735 ILCS 5/24-135 new)

20 Sec. 24-135. Construction of Article.

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

24 (b) This Article shall be construed liberally to

1 effectuate its purposes and intent fully.

2 (c) The motion created under this Article shall be
3 available in all actions pending or commenced on or after the
4 effective date of this amendatory Act of the 104th General
5 Assembly.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".