



Sen. Steve Stadelman

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10400SB1181sam001

LRB104 05566 JRC 23569 a

1 AMENDMENT TO SENATE BILL 1181

2 AMENDMENT NO. _____. Amend Senate Bill 1181 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Citizen Participation Act is amended by
5 changing Sections 5 and 15 and by adding Section 17 as follows:

6 (735 ILCS 110/5)

7 Sec. 5. Public policy. Pursuant to the fundamental
8 philosophy of the American constitutional form of government,
9 it is declared to be the public policy of the State of Illinois
10 that the constitutional rights of citizens and organizations
11 to be involved and participate freely in the process of
12 government must be encouraged and safeguarded with great
13 diligence. The information, reports, opinions, claims,
14 arguments, and other expressions provided by citizens are
15 vital to effective law enforcement, the operation of
16 government, the making of public policy and decisions, and the

1 continuation of representative democracy. The laws, courts,
2 and other agencies of this State must provide the utmost
3 protection for the free exercise of these rights of petition,
4 speech, association, and government participation, including
5 freedom of the press.

6 Civil actions for money damages have been filed against
7 citizens and organizations of this State as a result of their
8 valid exercise of their constitutional rights to petition,
9 speak freely, associate freely, and otherwise participate in
10 and communicate with government. The press opining, reporting,
11 or investigating matters of public concern is participating
12 and communicating with the government. There has been a
13 disturbing increase in lawsuits termed "Strategic Lawsuits
14 Against Public Participation" in government or "SLAPPs" as
15 they are popularly called.

16 The threat of SLAPPs significantly chills and diminishes
17 citizen participation in government, voluntary public service,
18 and the exercise of these important constitutional rights.
19 This abuse of the judicial process can and has been used as a
20 means of intimidating, harassing, or punishing citizens and
21 organizations, including the press, for involving themselves
22 in public affairs.

23 It is in the public interest and it is the purpose of this
24 Act to strike a balance between the rights of persons to file
25 lawsuits for injury and the constitutional rights of persons
26 to petition, speak freely, associate freely, and otherwise

1 participate in government; to protect and encourage public
2 participation in government to the maximum extent permitted by
3 law; to establish an efficient process for identification and
4 adjudication of SLAPPs; and to provide for attorney's fees and
5 costs to prevailing movants. As such, this Act should be
6 construed broadly in striking the balance of rights described
7 in this Act.

8 (Source: P.A. 95-506, eff. 8-28-07.)

9 (735 ILCS 110/15)

10 Sec. 15. Applicability. This Act applies to any motion to
11 dispose of a claim in a judicial proceeding on the grounds that
12 the claim is based on, relates to, or is in response to any act
13 or acts of the moving party in furtherance of the moving
14 party's rights of petition, speech, association, or to
15 otherwise participate in government. The claim does not need
16 to solely pertain to the moving party's constitutional rights
17 as this Act applies regardless of the motives of the person who
18 brought the claim that the moving party is seeking to dispose
19 of.

20 Acts in furtherance of the constitutional rights to
21 petition, speech, association, and participation in government
22 are immune from liability, regardless of intent or purpose,
23 except when not genuinely aimed at procuring favorable
24 government action, result, or outcome.

25 (Source: P.A. 95-506, eff. 8-28-07.)

1 (735 ILCS 110/17 new)

2 Sec. 17. Stay.

3 (a) Except as otherwise provided in subsections (d)
4 through (g), on the filing of a motion under Section 15 of this
5 Act:

6 (1) all other proceedings between the moving party and
7 responding party, including discovery and a pending
8 hearing or motion, are stayed; and

9 (2) on motion by the moving party, the court may stay a
10 hearing or motion involving another party, or discovery by
11 another party, if the hearing or ruling on the motion
12 would adjudicate, or the discovery would relate to, an
13 issue material to the motion to dispose of a claim under
14 Section 15.

15 (b) A stay under subsection (a) remains in effect until
16 entry of an order ruling on the motion to dispose of the claim
17 under Section 15 and expiration of the time under Section 20 to
18 appeal the order.

19 (c) Except as otherwise provided in subsections (e), (f),
20 and (g), if a party appeals from an order ruling on the motion
21 to dispose of the claim, all proceedings between all parties
22 in the action are stayed. The stay remains in effect until the
23 conclusion of the appeal.

24 (d) During a stay under subsection (a), the court may
25 allow limited discovery as provided in Section 20.

1 (e) A motion under Section 25 for costs, attorney's fees,
2 and expenses is not subject to a stay under this Section.

3 (f) A stay under this Section does not affect a party's
4 ability voluntarily to dismiss a cause of action in whole or in
5 part.

6 (g) During a stay under this Section, the court for good
7 cause may hear and rule on:

8 (1) a motion unrelated to the motion to dispose of the
9 claim under Section 15; and

10 (2) a motion seeking a special or preliminary
11 injunction to protect against an imminent threat to public
12 health or safety.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".