



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB3194**

Introduced 2/17/2023, by Rep. Tom Weber

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Freedom from Government and Private Collusion Against Free Speech Act. Provides that if a State agency or employee of the State coordinates with a private company to deny the freedom of speech of a citizen of this State, the citizen shall have a cause of action against that agency or employee and private company. Sets forth limitations. Provides that if a citizen of this State prevails in an action under the Act, the State agency or employee and the private company shall reimburse the Office of the Attorney General in the amount of 3 times the legal fees incurred in the action, plus the amount of damages awarded as the court shall determine. Effective immediately.

LRB103 03406 RJT 48412 b

1 AN ACT concerning government.

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

4 Section 1. Short title. This Act may be cited as the  
5 Freedom from Government and Private Collusion Against Free  
6 Speech Act.

7 Section 5. Right of action. If a State agency or employee  
8 of the State coordinates with a private company to deny the  
9 freedom of speech of a citizen of this State, the citizen shall  
10 have a cause of action against that agency or employee and  
11 private company.

12 Section 10. Limits. Insofar as limitations on this freedom  
13 are necessary to the basic functioning of State government,  
14 the freedom to debate and discuss the merits of competing  
15 ideas does not mean that individuals may say whatever they  
16 wish, wherever they wish. A State agency or employee may  
17 coordinate with a private company to restrict speech in a  
18 content-neutral manner if the speech:

- 19 (1) violates the law;  
20 (2) falsely defames a specific individual;  
21 (3) constitutes a genuine threat or harassment;  
22 (4) unjustifiably invades substantial privacy or

1 confidentiality interests;

2 (5) unjustifiably creates a disturbance that prevents  
3 a State agency or employee from conducting State work;

4 (6) takes place in an area or building that would  
5 otherwise be inaccessible for speech or physical access at  
6 that time of day; or

7 (7) is otherwise directly incompatible with the  
8 functioning of State government.

9 In addition, a State agency may reasonably regulate the time,  
10 place, and manner of speech to ensure that it does not disrupt  
11 the ordinary activities of the agency. These exceptions are to  
12 be construed as narrowly as possible and may never be used in a  
13 manner that is inconsistent with an agency's commitment to a  
14 completely free and open discussion of ideas.

15 Section 15. Fees. If a citizen of this State prevails in an  
16 action under this Act, the State agency or employee and the  
17 private company shall reimburse the Office of the Attorney  
18 General in the amount of 3 times the legal fees incurred in the  
19 action, plus the amount of damages awarded as the court shall  
20 determine.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.