



Rep. Margaret Croke

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10400HB3023ham001

LRB104 10528 JRC 23247 a

1 AMENDMENT TO HOUSE BILL 3023

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3023 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Neighborhood Freedom from Intimidation Act.

6 Section 5. Legislative intent. All persons within the  
7 jurisdiction of this State have the right to be free from being  
8 threatened or intimidated by intentionally threatening  
9 leafletting or the intentional false reporting of a violent  
10 crime. The purpose of this Act is to address the rapidly  
11 growing trend of such intentional threats and intimidation in  
12 the community, deter future incidents, and give victims the  
13 recourse needed to recover from their trauma as soon as  
14 possible.

15 Section 10. Definitions.

1 As used in this Act:

2 "Intentional false reporting of a violent crime" means  
3 intentionally making a claim or report to a peace officer or  
4 law enforcement agency falsely alleging that another person  
5 has engaged in violent, criminal activity, knowing that the  
6 claim or report is false and reasonably likely to cause an  
7 emergency response from a peace officer or law enforcement  
8 agency.

9 "Intentionally threatening leafletting" means  
10 intentionally distributing or depositing any leaflets,  
11 handbills, flyers, or other materials on another's private  
12 property, without authorization, with the malicious intent to  
13 threaten or intimidate another person or group based upon the  
14 person's or group's actual or perceived race, color, creed,  
15 religion, ethnicity, ancestry, national origin, citizenship,  
16 immigration status, sex, sexual orientation, gender, gender  
17 identity, gender expression, or physical or mental disability.

18 "Malicious intent to threaten or intimidate" means an  
19 intent to convey a verbal or nonverbal threat, or a  
20 combination of the 2, which places the owner or an occupant of  
21 the property, or an owner or occupant's invitee, in reasonable  
22 fear for owner's, occupant's, or invitee's physical safety or  
23 the physical safety of the owner's, occupant's, or invitee's  
24 family members or individuals closely associated with the  
25 owner, occupant, or invitee.

1 Section 15. Civil action.

2 (a) An aggrieved person who has been threatened or  
3 intimidated by intentionally threatening leafletting may  
4 initiate a private cause of action against any person,  
5 persons, or groups of persons however organized who have  
6 engaged in such conduct to obtain all appropriate relief,  
7 including injunctive relief, monetary damages, reasonable  
8 attorney's fees and costs, or any other appropriate relief in  
9 law or equity.

10 (b) An aggrieved person who has been threatened or  
11 intimidated by the intentional false reporting of a violent  
12 crime may initiate a private cause of action against any  
13 person, persons, or groups of persons however organized who  
14 have engaged in such conduct to obtain all appropriate relief,  
15 including injunctive relief, monetary damages, reasonable  
16 attorney's fees and costs, or any other appropriate relief in  
17 law or equity.

18 (c) Speech alone may not support a private cause of action  
19 brought under this Act, except upon a showing of all of the  
20 following:

21 (1) The speech itself intentionally threatens physical  
22 violence against a specific person or group of persons.

23 (2) The person or group of persons against whom the  
24 threat is directed reasonably fears that, because of the  
25 speech, physical violence will be committed against them,  
26 their family members, or individuals closely associated

1 with them.

2 (3) The person threatening violence intends to place  
3 the targeted individual or group, their family members, or  
4 individuals closely associated with them, in reasonable  
5 fear for their physical safety.

6 (4) The person threatening violence has the apparent  
7 ability to carry out the threat.

8 Section 20. Construction. Nothing in this Act may be  
9 construed to limit the right to seek other available criminal  
10 or civil remedies. The remedies in this Act are cumulative,  
11 not exclusive.

12 Section 25. Severability. The provisions in this Act are  
13 severable. If any provision of this Act or its application is  
14 held invalid, that invalidity does not affect other provisions  
15 or applications that can be given effect without the invalid  
16 provision or application.

17 Section 30. Constitutionality. The General Assembly does  
18 not intend, nor does this Act allow, private causes of actions  
19 to be brought for constitutionally protected activity.".