



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3311

Introduced 2/18/2025, by Rep. Mary Beth Canty

SYNOPSIS AS INTRODUCED:

735 ILCS 5/Art. XXIV heading new
735 ILCS 5/24-105 new
735 ILCS 5/24-110 new
735 ILCS 5/24-115 new
735 ILCS 5/24-120 new
735 ILCS 5/24-125 new
735 ILCS 5/24-130 new
735 ILCS 5/24-135 new

Amends the Code of Civil Procedure. Creates the Gender-Based Violence Article. Provides that the Article applies to any motion to dispose of a civil action claim that is based on, relates to, or is in response to a reporting of gender-based violence. Provides that if court finds that the moving party reported gender-based violence as the basis of the civil action against it, the court must grant a motion to dispose of the civil action unless it finds that the responding party has produced clear and convincing evidence that the moving party's report was done with actual malice. Provides for an award of attorney's fees for the prevailing party under certain conditions. Makes other changes. Effective immediately.

LRB104 08912 JRC 18967 b

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 24 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, cause of action, claim,
7 crossclaim, counterclaim, or other judicial pleading or filing
8 alleging 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 is 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 "Person" includes any individual, corporation,
23 association, organization, partnership, 2 or more persons
24 having a joint or common interest, or other legal entity.

25 "Reporting gender-based violence" includes making a

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

6 "Reporting gender-based violence with actual malice" means
7 reporting gender-based violence with knowledge that the
8 statement was false or with reckless disregard of whether it
9 was false or not. "Reporting gender-based violence with actual
10 malice" does not include: the moving party not seeking health
11 care or social services related to the gender-based violence;
12 the moving party not having reported to law enforcement; a
13 State's Attorney's decision not to prosecute; a grand jury's
14 decision not to indict; a criminal case not resulting in a
15 conviction; the moving party not seeking or obtaining a
16 protective order or other civil or administrative relief; the
17 moving party not reporting to an employer, educational
18 institution, or other authority; or an employer, educational
19 institution, or other authority determining the responding
20 party is not responsible for the gender-based violence.

21 "Responding party" means any person against whom a motion
22 described in Section 20 is filed.

23 (735 ILCS 5/24-115 new)

24 Sec. 24-115. Applicability. This Article applies to any
25 motion to dispose of a claim that is based on, relates to, or

1 is in response to the moving party's reporting of gender-based
2 violence. This includes, but is not limited to, claims
3 alleging defamation, slander, libel, harassment claims, and
4 actions in which the alleged perpetrator of the gender-based
5 violence is publicly named. If a court finds that the moving
6 party reported gender-based violence as the basis of the civil
7 action, it must grant a motion to dismiss the claim unless it
8 finds that the responding party has produced clear and
9 convincing evidence that the moving party's report constituted
10 reporting gender-based violence with actual malice.

11 (735 ILCS 5/24-120 new)

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

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

21 (b) Discovery shall be suspended pending a decision on the
22 motion. However, discovery may be taken, upon leave of court
23 for good cause shown, on the issue of whether the moving
24 party's report constituted reporting gender-based violence
25 with actual malice.

1 (735 ILCS 5/24-125 new)

2 Sec. 24-125. Attorney's fees, costs, and injunctive relief
3 on the motion. The court shall award a moving party who
4 prevails in a motion under this Article reasonable attorney's
5 fees and costs incurred in connection with the motion, and
6 appropriate injunctive relief, if requested by the moving
7 party. The court may also award a moving party treble damages
8 for any harm caused to the moving party by the action against
9 them and punitive damages. This relief is only available to
10 the moving party.

11 (735 ILCS 5/24-130 new)

12 Sec. 24-130. Damages in the case. For any case where the
13 moving party filed a motion under this Article, but the claim
14 is not dismissed under Section 20, at the conclusion of such
15 case, a responding party is entitled to reasonable attorney's
16 fees and costs for successfully defending the litigation, plus
17 treble damages for any harm caused by the action, punitive
18 damages, appropriate injunctive relief if requested by the
19 responding party, or any other relief otherwise permitted by
20 law.

21 (735 ILCS 5/24-135 new)

22 Sec. 24-135. Construction of Article.

23 (a) Nothing in this Article shall limit or preclude any

1 rights the moving party may have under any other
2 constitutional, statutory, case or common law, or rule
3 provisions.

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

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.