



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1831

Introduced 2/9/2017, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

735 ILCS 110/15

Amends the Citizen Participation Act. Provides that any official, employee, or agent of a public body, or a public body on behalf of its official, employee, or agent, has a right of action in a State circuit court against a requester if a request submitted by the requester under the Freedom of Information Act is based on, relates to, or is in response to any act or acts by the official, employee, or agent of the public body, in furtherance of the rights of the official, employee, or agent to petition, speak freely, associate freely, or otherwise participate in government. Provides that the court shall award liquidated damages of \$5,000 for each offending request in addition to reasonable attorney's fees and costs associated with bringing such an action, unless the court finds that the requester has produced clear and convincing evidence that: (1) the request is not based on, related to, or in response to any act or acts by the official, employee, or agent of the public body, in furtherance of the rights of the official, employee, or agent to petition, speak freely, associate freely, or otherwise participate in government; or (2) the act or acts of the official, employee, or agent of the public body are not immunized from liability, or are not in furtherance of the acts immunized from liability, under the Act. Effective immediately.

LRB100 08542 HEP 18667 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 5. The Citizen Participation Act is amended by
5 changing Section 15 as follows:

6 (735 ILCS 110/15)

7 Sec. 15. Applicability; retaliatory requests under the
8 Freedom of Information Act. This Act applies to any motion to
9 dispose of a claim in a judicial proceeding on the grounds that
10 the claim is based on, relates to, or is in response to any act
11 or acts of the moving party in furtherance of the moving
12 party's rights of petition, speech, association, or to
13 otherwise participate in government.

14 Acts in furtherance of the constitutional rights to
15 petition, speech, association, and participation in government
16 are immune from liability, regardless of intent or purpose,
17 except when not genuinely aimed at procuring favorable
18 government action, result, or outcome.

19 Any official, employee, or agent of a public body, or a
20 public body on behalf of its official, employee, or agent, has
21 a right of action in a State circuit court against a requester
22 if a request submitted by the requester under the Freedom of
23 Information Act is based on, relates to, or is in response to

1 any act or acts by the official, employee, or agent of the
2 public body in furtherance of the rights of the official,
3 employee, or agent to petition, speak freely, associate freely,
4 or otherwise participate in government. The court shall award
5 liquidated damages of \$5,000 for each offending request in
6 addition to reasonable attorney's fees and costs associated
7 with bringing an action pursuant to this Section, unless the
8 court finds that the requester has produced clear and
9 convincing evidence that:

10 (1) the request is not based on, related to, or in
11 response to any act or acts by the official, employee, or
12 agent of the public body, in furtherance of the rights of
13 the official, employee, or agent to petition, speak freely,
14 associate freely, or otherwise participate in government;
15 or

16 (2) the act or acts of the official, employee, or agent
17 of the public body are not immunized from liability, or are
18 not in furtherance of the acts immunized from liability,
19 under this Act.

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

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