

HB3669



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3669

Introduced 2/22/2021, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

New Act

Creates the Malicious False Reporting Liability Act. Provides that a person may bring an action against another person for malicious false reporting to a law enforcement agency. Provides that a person bring an action may recover: an amount in actual and punitive damages or liquidated damages of at least \$250 and not more than \$1,500; the costs of the action; and reasonable attorney's fees.

LRB102 14032 LNS 19384 b

A BILL FOR

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. Short title. This Act may be cited as the
5 Malicious False Reporting Liability Act.

6 Section 5. Cause of action.

7 (a) A person may bring an action against another person
8 for malicious false reporting if the person is able to
9 establish:

10 (1) the other person made a false report to a law
11 enforcement agency knowing that the report was false; and

12 (2) as a result of the report, the person was
13 questioned, detained, or arrested by a law enforcement
14 officer.

15 (b) A person may bring an action under this Act even if the
16 other person:

17 (1) has not been prosecuted for the crime of false
18 reporting or false informing;

19 (2) has not been convicted of the crime of false
20 reporting or false informing; or

21 (3) has been acquitted of the crime of false reporting
22 or false informing.

23 (c) A separate cause of action may be brought by each

1 person damaged by the other person's actions under this Act.

2 Section 10. Remedies.

3 (a) A person bringing an action under this Act may
4 recover:

5 (1) an amount in:

6 (A) actual and punitive damages; or

7 (B) liquidated damages of at least \$250 and not
8 more than \$1,500;

9 (2) the costs of the action; and

10 (3) reasonable attorney's fees.

11 (b) In determining the amount of damages under this
12 Section, the court shall consider whether the person's
13 actions:

14 (1) implicated a right protected under the
15 Constitution of the United States or the Illinois
16 Constitution;

17 (2) were intended to discriminate against the person;

18 (3) caused the person to feel harassed, humiliated, or
19 embarrassed;

20 (4) caused the person to be expelled from a place in
21 which the person was lawfully located; or

22 (5) damaged the person's:

23 (A) reputation or standing in the community; or

24 (B) financial, economic, consumer, or business
25 prospects or interests.