



Rep. Mary Beth Canty

Filed: 4/5/2024

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LRB103 37795 RJT 71471 a

1 AMENDMENT TO HOUSE BILL 5452

2 AMENDMENT NO. _____. Amend House Bill 5452 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Preventing Sexual Violence in Higher
5 Education Act is amended by changing Sections 10, 15, 20, 25,
6 and 30 as follows:

7 (110 ILCS 155/10)

8 Sec. 10. Comprehensive policy. On or before August 1,
9 2016, all higher education institutions shall adopt a
10 comprehensive policy concerning sexual violence, domestic
11 violence, dating violence, and stalking consistent with
12 governing federal and State law. The higher education
13 institution's comprehensive policy shall include, at a
14 minimum, all of the following components:

15 (1) A definition of consent that, at a minimum,
16 recognizes that (i) consent is a freely given agreement to

1 sexual activity, (ii) a person's lack of verbal or
2 physical resistance or submission resulting from the use
3 or threat of force does not constitute consent, (iii) a
4 person's manner of dress does not constitute consent, (iv)
5 a person's consent to past sexual activity does not
6 constitute consent to future sexual activity, (v) a
7 person's consent to engage in sexual activity with one
8 person does not constitute consent to engage in sexual
9 activity with another, (vi) a person can withdraw consent
10 at any time, and (vii) a person cannot consent to sexual
11 activity if that person is unable to understand the nature
12 of the activity or give knowing consent due to
13 circumstances, including without limitation the following:

14 (A) the person is incapacitated due to the use or
15 influence of alcohol or drugs;

16 (B) the person is asleep or unconscious;

17 (C) the person is under age; or

18 (D) the person is incapacitated due to a mental
19 disability.

20 Nothing in this Section prevents a higher education
21 institution from defining consent in a more demanding
22 manner.

23 (2) Procedures that students of the higher education
24 institution may follow if they choose to report an alleged
25 violation of the comprehensive policy, regardless of where
26 the incident of sexual violence, domestic violence, dating

1 violence, or stalking occurred, including all of the
2 following:

3 (A) Name and contact information for the Title IX
4 coordinator, campus law enforcement or security, local
5 law enforcement, and the community-based sexual
6 assault crisis center.

7 (B) The name, title, and contact information for
8 confidential advisors and other confidential resources
9 and a description of what confidential reporting
10 means.

11 (C) Information regarding the various individuals,
12 departments, or organizations to whom a student may
13 report a violation of the comprehensive policy,
14 specifying for each individual and entity (i) the
15 extent of the individual's or entity's reporting
16 obligation, (ii) the extent of the individual's or
17 entity's ability to protect the student's privacy, and
18 (iii) the extent of the individual's or entity's
19 ability to have confidential communications with the
20 student.

21 (D) An option for students to electronically
22 report.

23 (E) An option for students to anonymously report.

24 (F) An option for students to confidentially
25 report.

26 (G) An option for reports by third parties and

1 bystanders.

2 (H) Information about how the higher education
3 institution protects individuals who report from
4 retaliation.

5 (3) The higher education institution's procedure for
6 responding to a report of an alleged incident of sexual
7 violence, domestic violence, dating violence, or stalking,
8 including without limitation (i) assisting and
9 interviewing the survivor, (ii) identifying and locating
10 witnesses, (iii) contacting and interviewing the
11 respondent, (iv) contacting and cooperating with law
12 enforcement, when applicable, ~~and~~ (v) providing
13 information regarding the importance of preserving
14 physical evidence of the sexual violence and the
15 availability of a medical forensic examination at no
16 charge to the survivor, and (vi) protecting the survivor
17 from retaliation, including a policy and process for early
18 resolution of any retaliatory claim by a respondent or
19 other individual against a survivor, including, but not
20 limited to, claims of defamation, harassment, bullying,
21 and any other claimed violation of the policy where the
22 actions alleged by the respondent or other individual are
23 related to the survivor's report.

24 (4) A statement of the higher education institution's
25 obligation to provide survivors with concise information,
26 written in plain language, concerning the survivor's

1 rights and options, upon receiving a report of an alleged
2 violation of the comprehensive policy, as described in
3 Section 15 of this Act.

4 (5) The name, address, and telephone number of the
5 medical facility nearest to each campus of the higher
6 education institution where a survivor may have a medical
7 forensic examination completed at no cost to the survivor,
8 pursuant to the Sexual Assault Survivors Emergency
9 Treatment Act.

10 (6) The name, telephone number, address, and website
11 URL, if available, of community-based, State, and national
12 sexual assault crisis centers.

13 (7) A statement notifying survivors of the interim
14 protective measures and accommodations reasonably
15 available from the higher education institution that a
16 survivor may request in response to an alleged violation
17 of the comprehensive policy, including without limitation
18 changes to academic, living, dining, transportation, and
19 working situations, obtaining and enforcing campus no
20 contact orders, and honoring an order of protection or no
21 contact order entered by a State civil or criminal court.

22 (8) The higher education institution's complaint
23 resolution procedures if a student alleges violation of
24 the comprehensive violence policy, including, at a
25 minimum, the guidelines set forth in Section 25 of this
26 Act.

1 (9) A statement of the range of sanctions the higher
2 education institution may impose following the
3 implementation of its complaint resolution procedures in
4 response to an alleged violation of the comprehensive
5 policy. Sanctions may include, but are not limited to,
6 suspension, expulsion, or removal of the student found,
7 after complaint resolution procedures, to be in violation
8 of the comprehensive policy of the higher education
9 institution.

10 (10) A statement of the higher education institution's
11 obligation to include an amnesty provision that provides
12 immunity to any student who reports, in good faith, an
13 alleged violation of the higher education institution's
14 comprehensive policy to a responsible employee, as defined
15 by federal law, so that the reporting student will not
16 receive a disciplinary sanction by the institution for a
17 student conduct violation, such as underage drinking or
18 possession or use of a controlled substance, that is
19 revealed in the course of such a report, unless the
20 institution determines that the violation was egregious,
21 including without limitation an action that places the
22 health or safety of any other person at risk.

23 (11) A statement of the higher education institution's
24 prohibition on retaliation against those who, in good
25 faith, report or disclose an alleged violation of the
26 comprehensive policy, file a complaint, or otherwise

1 participate in the complaint resolution procedure and
2 available sanctions for individuals who engage in
3 retaliatory conduct.

4 (Source: P.A. 99-426, eff. 8-21-15; 99-741, eff. 8-5-16;
5 100-1087, eff. 1-1-19.)

6 (110 ILCS 155/15)

7 Sec. 15. Student notification of rights and options.

8 (a) On or before August 1, 2016, upon being notified of an
9 alleged violation of the comprehensive policy by or on behalf
10 of a student, each higher education institution shall, at a
11 minimum, provide the survivor, when identified, with a concise
12 notification, written in plain language, of the survivor's
13 rights and options, including without limitation:

14 (1) the survivor's right to report or not report the
15 alleged incident to the higher education institution, law
16 enforcement, or both, including information about the
17 survivor's right to privacy and which reporting methods
18 are confidential;

19 (2) the contact information for the higher education
20 institution's Title IX coordinator or coordinators,
21 confidential advisors, a community-based sexual assault
22 crisis center, campus law enforcement, and local law
23 enforcement;

24 (3) the survivor's right to request and receive
25 assistance from campus authorities in notifying law

1 enforcement;

2 (4) the survivor's ability to request interim
3 protective measures and accommodations for survivors,
4 including without limitation changes to academic, living,
5 dining, working, and transportation situations, obtaining
6 and enforcing a campus-issued order of protection or no
7 contact order, if such protective measures and
8 accommodations are reasonably available, and an order of
9 protection or no contact order in State court;

10 (5) the higher education institution's ability to
11 provide assistance, upon the survivor's request, in
12 accessing and navigating campus and local health and
13 mental health services, counseling, and advocacy services;
14 and

15 (6) a summary of the higher education institution's
16 complaint resolution procedures, under Section 25 of this
17 Act, if the survivor reports a violation of the
18 comprehensive policy.

19 (7) a summary of the higher education institution's
20 process for protecting survivors from retaliation,
21 including the policy and process under Section 25 of this
22 Act for early resolution of retaliatory claims by the
23 respondent or any other individual against the survivor.

24 (b) Within 12 hours after receiving an electronic report,
25 the higher education institution shall respond to the
26 electronic reporter and, at a minimum, provide the information

1 described in subdivisions (1) through (6) of subsection (a) of
2 this Section and a list of available resources. The higher
3 education institution may choose the manner in which it
4 responds including, but not limited to, through verbal or
5 electronic communication. Nothing in this subsection (b)
6 limits a higher education institution's obligations under
7 subsection (a) of this Section.

8 (Source: P.A. 99-426, eff. 8-21-15.)

9 (110 ILCS 155/20)

10 Sec. 20. Confidential advisor.

11 (a) Each higher education institution shall provide
12 students with access to confidential advisors to provide
13 emergency and ongoing support to survivors of sexual violence.

14 (b) The confidential advisors may not be individuals on
15 campus who are designated as responsible employees under Title
16 IX of the federal Education Amendments of 1972. Nothing in
17 this Section precludes a higher education institution from
18 partnering with a community-based sexual assault crisis center
19 to provide confidential advisors.

20 (c) All confidential advisors shall receive 40 hours of
21 training on sexual violence, if they have not already
22 completed this 40-hour training, before being designated a
23 confidential advisor and shall attend a minimum of 6 hours of
24 ongoing education training annually on issues related to
25 sexual violence to remain a confidential advisor. Confidential

1 advisors shall also receive periodic training on the campus
2 administrative processes, interim protective measures and
3 accommodations, and complaint resolution procedures.

4 (d) In the course of working with a survivor, each
5 confidential advisor shall, at a minimum, do all of the
6 following:

7 (1) Inform the survivor of the survivor's choice of
8 possible next steps regarding the survivor's reporting
9 options and possible outcomes, including without
10 limitation reporting pursuant to the higher education
11 institution's comprehensive policy and notifying local law
12 enforcement.

13 (2) Notify the survivor of resources and services for
14 survivors of sexual violence, including, but not limited
15 to, student services available on campus and through
16 community-based resources, including without limitation
17 sexual assault crisis centers, medical treatment
18 facilities, counseling services, legal resources, medical
19 forensic services, and mental health services.

20 (3) Inform the survivor of the survivor's rights and
21 the higher education institution's responsibilities
22 regarding orders of protection, no contact orders, or
23 similar lawful orders issued by the higher education
24 institution or a criminal or civil court.

25 (4) Provide confidential services to and have
26 privileged, confidential communications with survivors of

1 sexual violence in accordance with Section 8-804 of the
2 Code of Civil Procedure.

3 (5) Upon the survivor's request and as appropriate,
4 liaise with campus officials, community-based sexual
5 assault crisis centers, or local law enforcement and, if
6 requested, assist the survivor with contacting and
7 reporting to campus officials, campus law enforcement, or
8 local law enforcement.

9 (6) Upon the survivor's request, liaise with the
10 necessary campus authorities to secure interim protective
11 measures and accommodations for the survivor.

12 (7) Upon the survivor's request, liaise with the
13 necessary campus authorities to assist the survivor in
14 responding to and advocating against any retaliation by
15 the respondent or any other individual, including an agent
16 of the higher education institution, including assistance
17 with the policy and process for early resolution of
18 retaliatory claims by the respondent or any other
19 individual against the survivor.

20 (Source: P.A. 99-426, eff. 8-21-15.)

21 (110 ILCS 155/25)

22 Sec. 25. Complaint resolution procedures.

23 (a) On or before August 1, 2016, each campus of a higher
24 education institution shall adopt one procedure to resolve
25 complaints of alleged student violations of the comprehensive

1 policy.

2 (b) For each campus, a higher education institution's
3 complaint resolution procedures for allegations of student
4 violation of the comprehensive policy shall provide, at a
5 minimum, all of the following:

6 (1) Complainants alleging student violation of the
7 comprehensive policy shall have the opportunity to request
8 that the complaint resolution procedure begin promptly and
9 proceed in a timely manner.

10 (2) The higher education institution shall determine
11 the individuals who will resolve complaints of alleged
12 student violations of the comprehensive policy.

13 (3) All individuals whose duties include resolution of
14 complaints of student violations of the comprehensive
15 policy shall receive a minimum of 8 to 10 hours of annual
16 training on issues related to sexual violence, domestic
17 violence, dating violence, and stalking and how to conduct
18 the higher education institution's complaint resolution
19 procedures, in addition to the annual training required
20 for employees as provided in subsection (c) of Section 30
21 of this Act.

22 (4) The higher education institution shall have a
23 sufficient number of individuals trained to resolve
24 complaints so that (i) a substitution can occur in the
25 case of a conflict of interest or recusal and (ii) an
26 individual or individuals with no prior involvement in the

1 initial determination or finding hear any appeal brought
2 by a party.

3 (5) The individual or individuals resolving a
4 complaint shall use a preponderance of the evidence
5 standard to determine whether the alleged violation of the
6 comprehensive policy occurred.

7 (6) The complainant and respondent shall (i) receive
8 notice of the individual or individuals with authority to
9 make a finding or impose a sanction in their proceeding
10 before the individual or individuals initiate contact with
11 either party and (ii) have the opportunity to request a
12 substitution if the participation of an individual with
13 authority to make a finding or impose a sanction poses a
14 conflict of interest.

15 (7) The higher education institution shall have a
16 procedure to determine interim protective measures and
17 accommodations available pending the resolution of the
18 complaint.

19 (8) Any proceeding, meeting, or hearing held to
20 resolve complaints of alleged student violations of the
21 comprehensive policy shall protect the privacy of the
22 participating parties and witnesses.

23 (9) The complainant, regardless of this person's level
24 of involvement in the complaint resolution procedure, and
25 the respondent shall have the opportunity to provide or
26 present evidence and witnesses on their behalf during the

1 complaint resolution procedure.

2 (10) The complainant and the respondent may not
3 directly cross examine one another, but may, at the
4 discretion and direction of the individual or individuals
5 resolving the complaint, suggest questions to be posed by
6 the individual or individuals resolving the complaint and
7 respond to the other party.

8 (11) Both parties may request and must be allowed to
9 have an advisor of their choice accompany them to any
10 meeting or proceeding related to an alleged violation of
11 the comprehensive policy, provided that the involvement of
12 the advisor does not result in undue delay of the meeting
13 or proceeding. The advisor must comply with any rules in
14 the higher education institution's complaint resolution
15 procedure regarding the advisor's role. If the advisor
16 violates the rules or engages in behavior or advocacy that
17 harasses, abuses, or intimidates either party, a witness,
18 or an individual resolving the complaint, that advisor may
19 be prohibited from further participation.

20 (12) The complainant and the respondent may not be
21 compelled to testify, if the complaint resolution
22 procedure involves a hearing, in the presence of the other
23 party. If a party invokes this right, the higher education
24 institution shall provide a procedure by which each party
25 can, at a minimum, hear the other party's testimony.

26 (13) The complainant and the respondent are entitled

1 to simultaneous, written notification of the results of
2 the complaint resolution procedure, including information
3 regarding appeal rights, within 7 days of a decision or
4 sooner if required by State or federal law.

5 (14) The complainant and the respondent shall, at a
6 minimum, have the right to timely appeal the complaint
7 resolution procedure's findings or imposed sanctions if
8 the party alleges (i) a procedural error occurred, (ii)
9 new information exists that would substantially change the
10 outcome of the finding, or (iii) the sanction is
11 disproportionate with the violation. The individual or
12 individuals reviewing the findings or imposed sanctions
13 shall not have participated previously in the complaint
14 resolution procedure and shall not have a conflict of
15 interest with either party. The complainant and the
16 respondent shall receive the appeal decision in writing
17 within 7 days after the conclusion of the review of
18 findings or sanctions or sooner if required by federal or
19 State law.

20 (15) The higher education institution shall not
21 disclose the identity of the survivor or the respondent,
22 except as necessary to resolve the complaint or to
23 implement interim protective measures and accommodations
24 or when provided by State or federal law.

25 (16) The higher education institution shall enact and
26 implement a policy and process for early resolution of any

1 retaliatory claim by a respondent or any other individual
2 against a survivor, including, but not limited to, claims
3 of defamation, harassment, bullying, and any other policy
4 violation where the actions alleged are related to the
5 survivor's report of sexual violence, domestic violence,
6 dating violence, stalking, or any sex-based harassment.
7 Any report, claim, counter-claim, or complaint by the
8 respondent that the survivor has violated the higher
9 education institution's policies shall be reviewed by an
10 agent of the institution with decision-making authority to
11 determine if it is retaliatory. If the agent determines by
12 a preponderance of the evidence that such claim is (i)
13 retaliatory and (ii) either (A) based on, because of, or
14 in response to the survivor's report, (B) related to the
15 survivor speaking, writing, or sharing information about
16 the respondent's actions that led to the report, or (C)
17 based on the survivor naming the respondent as the person
18 who caused the survivor harm, then the report, claim,
19 counter-claim, or complaint against the survivor shall be
20 dismissed. The review must be completed within 45 days of
21 the report, claim, counter-claim, or complaint being
22 submitted to the institution, and written notice of the
23 determination must be provided to the survivor and the
24 respondent no later than 10 days after completion of the
25 review.

26 (Source: P.A. 99-426, eff. 8-21-15.)

1 (110 ILCS 155/30)

2 Sec. 30. Campus training, education, and awareness.

3 (a) On or before August 1, 2016, a higher education
4 institution shall prominently publish, timely update, and have
5 easily available on its Internet website all of the following
6 information:

7 (1) The higher education institution's comprehensive
8 policy, as well as options and resources available to
9 survivors.

10 (2) The higher education institution's student
11 notification of rights and options described in Section 15
12 of this Act.

13 (3) The name and contact information for all of the
14 higher education institution's Title IX coordinators.

15 (4) An explanation of the role of (i) Title IX
16 coordinators, including deputy or assistant Title IX
17 coordinators, under Title IX of the federal Education
18 Amendments of 1972, (ii) responsible employees under Title
19 IX of the federal Education Amendments of 1972, (iii)
20 campus security authorities under the federal Jeanne Clery
21 Disclosure of Campus Security Policy and Campus Crime
22 Statistics Act, and (iv) mandated reporters under the
23 Abused and Neglected Child Reporting Act and the reporting
24 obligations of each, as well as the level of
25 confidentiality each is allowed to provide to reporting

1 students under relevant federal and State law.

2 (5) The name, title, and contact information for all
3 confidential advisors, counseling services, and
4 confidential resources that can provide a confidential
5 response to a report and a description of what
6 confidential reporting means.

7 (6) The telephone number and website URL for
8 community-based, State, and national hotlines providing
9 information to sexual violence survivors.

10 (b) Beginning with the 2016-2017 academic year, each
11 higher education institution shall provide sexual violence
12 primary prevention and awareness programming for all students
13 who attend one or more classes on campus, which shall include,
14 at a minimum, annual training as described in this subsection
15 (b). Nothing in this Section shall be construed to limit the
16 higher education institution's ability to conduct additional
17 ongoing sexual violence primary prevention and awareness
18 programming.

19 Each higher education institution's annual training shall,
20 at a minimum, provide each student who attends one or more
21 classes on campus information regarding the higher education
22 institution's comprehensive policy, including without
23 limitation the following:

24 (1) the institution's definitions of consent,
25 inability to consent, and retaliation as they relate to
26 sexual violence;

1 (2) reporting to the higher education institution,
2 campus law enforcement, and local law enforcement;

3 (3) reporting to the confidential advisor or other
4 confidential resources;

5 (4) available survivor services; and

6 (5) strategies for bystander intervention and risk
7 reduction.

8 At the beginning of each academic year, each higher
9 education institution shall provide each student of the higher
10 education institution with an electronic copy or hard copy of
11 its comprehensive policy, procedures, and related protocols.

12 (c) Beginning in the 2016-2017 academic year, a higher
13 education institution shall provide annual survivor-centered
14 and trauma-informed response training to any employee of the
15 higher education institution who is involved in (i) the
16 receipt of a student report of an alleged incident of sexual
17 violence, domestic violence, dating violence, or stalking,
18 (ii) the referral or provision of services to a survivor, or
19 (iii) any campus complaint resolution procedure that results
20 from an alleged incident of sexual violence, domestic
21 violence, dating violence, or stalking. Employees falling
22 under this description include without limitation the Title IX
23 coordinator, members of the higher education institution's
24 campus law enforcement, and campus security. An enrolled
25 student at or a contracted service provider of the higher
26 education institution with the employee responsibilities

1 outlined in clauses (i) through (iii) of this paragraph shall
2 also receive annual survivor-centered and trauma-informed
3 response training.

4 The higher education institution shall design the training
5 to improve the trainee's ability to understand (i) the higher
6 education institution's comprehensive policy, including the
7 anti-retaliation policy and procedure provisions; (ii) the
8 relevant federal and State law concerning survivors of sexual
9 violence, domestic violence, dating violence, and stalking at
10 higher education institutions; (iii) the roles of the higher
11 education institution, medical providers, law enforcement, and
12 community agencies in ensuring a coordinated response to a
13 reported incident of sexual violence; (iv) the effects of
14 trauma on a survivor; (v) the types of conduct that constitute
15 sexual violence, domestic violence, dating violence, and
16 stalking, including same-sex violence; and (vi) consent and
17 the role drugs and alcohol use can have on the ability to
18 consent. The training shall also seek to improve the trainee's
19 ability to respond with cultural sensitivity; provide services
20 to or assist in locating services for a survivor, as
21 appropriate; and communicate sensitively and compassionately
22 with a survivor of sexual violence, domestic violence, dating
23 violence, or stalking.

24 (Source: P.A. 99-426, eff. 8-21-15.)

25 Section 10. The Citizen Participation Act is amended by

1 changing Sections 5, 10, and 15 as follows:

2 (735 ILCS 110/5)

3 Sec. 5. Public policy. Pursuant to the fundamental
4 philosophy of the American constitutional form of government,
5 it is declared to be the public policy of the State of Illinois
6 that the constitutional rights of citizens and organizations
7 to be involved and participate freely in the process of
8 government must be encouraged and safeguarded with great
9 diligence. The information, reports, opinions, claims,
10 arguments, and other expressions provided by citizens are
11 vital to effective law enforcement, the operation of
12 government, the making of public policy and decisions, and the
13 continuation of representative democracy. The laws, courts,
14 and other agencies of this State must provide the utmost
15 protection for the free exercise of these rights of petition,
16 speech, association, and government participation.

17 Civil actions for money damages have been filed against
18 citizens and organizations of this State as a result of their
19 valid exercise of their constitutional rights to petition,
20 speak freely, associate freely, and otherwise participate in
21 and communicate with government. There has been a disturbing
22 increase in lawsuits termed "Strategic Lawsuits Against Public
23 Participation" in government or "SLAPPs" as they are popularly
24 called.

25 The threat of SLAPPs significantly chills and diminishes

1 citizen participation in government, voluntary public service,
2 and the exercise of these important constitutional rights.
3 This abuse of the judicial process can and has been used as a
4 means of intimidating, harassing, or punishing citizens and
5 organizations for involving themselves in public affairs.

6 It is in the public interest and it is the purpose of this
7 Act to strike a balance between the rights of persons to file
8 lawsuits for injury and the constitutional rights of persons
9 to petition, speak freely, associate freely, and otherwise
10 participate in government; to protect and encourage public
11 participation in government to the maximum extent permitted by
12 law; to establish an efficient process for identification and
13 adjudication of SLAPPs; and to provide for attorney's fees and
14 costs to prevailing movants.

15 Free speech at its best identifies wrongs, seeks
16 accountability, and encourages change. Gender-based violence
17 is a pervasive societal problem, and only a small percentage
18 of incidents are reported. Survivors of gender-based violence
19 are often silenced by fear of retaliation, including the
20 threat of SLAPPs. The fear of SLAPPs deters survivors from
21 speaking out and allows a perpetrator to avoid the
22 consequences of the perpetrator's actions. The use of the
23 legal system to silence survivors has negative impacts on the
24 survivors and the public. Survivors of gender-based violence
25 face significant barriers in coming forward and there is a
26 public interest in protecting the right to free speech for

1 survivors. Survivors having the right to speak their truth
2 serves the public good. The General Assembly recognizes that
3 reporting gender-based violence is protected by the First
4 Amendment and the Citizen Participation Act.

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

6 (735 ILCS 110/10)

7 Sec. 10. Definitions. In this Act:

8 "Government" includes a branch, department, agency,
9 instrumentality, official, employee, agent, or other person
10 acting under color of law of the United States, a state, a
11 subdivision of a state, or another public authority including
12 the electorate.

13 "Gender-based violence" means one or more acts of
14 violence, aggression, or abuse satisfying the elements of any
15 criminal or civil offense under the laws of this State that are
16 committed, at least in part, on the basis of a person's actual
17 or perceived sex or gender, regardless of whether the acts
18 resulted in criminal charges, prosecution, or conviction, and
19 it includes, but is not limited to, any act of domestic
20 violence as defined in the Illinois Domestic Violence Act of
21 1986, dating violence, human trafficking, sexual assault,
22 sexual abuse, sexual harassment, or stalking.

23 "Person" includes any individual, corporation,
24 association, organization, partnership, 2 or more persons
25 having a joint or common interest, or other legal entity.

1 "Judicial claim" or "claim" include any lawsuit, cause of
2 action, claim, cross-claim, counterclaim, or other judicial
3 pleading or filing alleging injury.

4 "Motion" includes any motion to dismiss, for summary
5 judgment, or to strike, or any other judicial pleading filed
6 to dispose of a judicial claim.

7 "Moving party" means any person on whose behalf a motion
8 described in subsection (a) of Section 20 is filed seeking
9 dismissal of a judicial claim.

10 "Reporting gender-based violence" includes making a
11 disclosure of gender-based violence to authorities, an
12 employer, an education institution, a public entity, or a
13 nonprofit agency; to the press or media or at a public forum;
14 in print, electronically, or via social media; or to another
15 person verbally, in writing, or via electronic means.

16 "Reporting gender-based violence with actual malice" means
17 reporting gender-based violence with knowledge that the
18 statement was false or with reckless disregard of whether it
19 was false or not.

20 "Responding party" means any person against whom a motion
21 described in subsection (a) of Section 20 is filed.

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

23 (735 ILCS 110/15)

24 Sec. 15. Applicability. This Act applies to any motion to
25 dispose of a claim in a judicial proceeding on the grounds that

1 the claim is based on, relates to, or is in response to (i) any
2 act or acts of the moving party in furtherance of the moving
3 party's rights of petition, speech, association, or to
4 otherwise participate in government or (ii) the moving party's
5 reporting of gender-based violence, including cases where the
6 alleged perpetrator is publicly named.

7 Acts in furtherance of the constitutional rights to
8 petition, speech, association, and participation in government
9 are immune from liability, regardless of intent or purpose,
10 ~~except when not genuinely aimed at procuring favorable~~
11 ~~government action, result, or outcome.~~

12 Acts in furtherance of reporting gender-based violence are
13 immune from liability, regardless of intent or purpose, unless
14 the plaintiff presents clear and convincing evidence that the
15 reporting of gender-based violence was undertaken with actual
16 malice.

17 The only exceptions to this Section are (i) when the acts
18 are not genuinely aimed at procuring favorable government
19 action, result, or outcome or (ii) when the plaintiff presents
20 clear and convincing evidence that the defendant engaged in
21 reporting gender-based violence with actual malice. For the
22 purpose of this Act, reporting gender-based violence is per se
23 genuinely aimed at procuring favorable government action,
24 result, or outcome.

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