

1 AN ACT concerning civil procedure.

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 Citizen Participation Act.

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

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

28 The threat of SLAPPs, personal liability, and burdensome
29 litigation costs significantly chills and diminishes citizen
30 participation in government, voluntary public service, and
31 the exercise of these important constitutional rights. This

1 abuse of the judicial process can and has been used as a
2 means of intimidating, harassing, or punishing citizens and
3 organizations for involving themselves in public affairs.

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

13 Section 10. Definitions. In this Act:

14 "Government" includes a branch, department, agency,
15 instrumentality, official, employee, agent, or other person
16 acting under color of law of the United States, a state, a
17 subdivision of a state, or another public authority including
18 the electorate.

19 "Person" includes any individual, corporation,
20 association, organization, partnership, 2 or more persons
21 having a joint or common interest, or other legal entity.

22 "Judicial claim" or "claim" include any lawsuit, cause of
23 action, claim, cross-claim, counterclaim, or other judicial
24 pleading or filing alleging injury.

25 "Motion" includes any motion to dismiss, for summary
26 judgment, or to strike, or any other judicial pleading filed
27 to dispose of a judicial claim.

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

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

1 Section 15. Applicability. This Act applies to any
2 motion to dispose of a claim in a judicial proceeding on the
3 grounds that the claim is based on, relates to, or is in
4 response to any act or acts of the moving party in
5 furtherance of the moving party's rights of petition, speech,
6 association, or to otherwise participate in government.

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

12 Section 20. Motion procedure and standards.

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

21 (b) Discovery shall be suspended pending a decision on
22 the motion. However, discovery may be taken, upon leave of
23 court for good cause shown, on the issue of whether the
24 movants acts are not immunized from, or are not in
25 furtherance of acts immunized from, liability by this Act.

26 (c) The court shall grant the motion and dismiss the
27 judicial claim unless the court finds that the responding
28 party has produced clear and convincing evidence that the
29 acts of the moving party are not immunized from, or are not
30 in furtherance of acts immunized from, liability by this Act.

31 Section 25. Attorney's fees and costs. The court shall
32 award a moving party who prevails in a motion under this Act

1 reasonable attorney's fees and costs incurred in connection
2 with the motion.

3 Section 30. Construction of Act.

4 (a) Nothing in this Act shall limit or preclude any
5 rights the moving party may have under any other
6 constitutional, statutory, case or common law, or rule
7 provisions.

8 (b) This Act shall be construed liberally to effectuate
9 its purposes and intent fully.

10 Section 35. Severability. The provisions of this Act
11 are severable under Section 1.31 of the Statute on Statutes.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.