

1 AN ACT concerning citizen participation.

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

1 and communicate with government. There has been a disturbing
2 increase in lawsuits termed "Strategic Lawsuits Against Public
3 Participation" in government or "SLAPPs" as they are popularly
4 called.

5 The threat of SLAPPs significantly chills and diminishes
6 citizen participation in government, voluntary public service,
7 and the exercise of these important constitutional rights. This
8 abuse of the judicial process can and has been used as a means
9 of intimidating, harassing, or punishing citizens and
10 organizations for involving themselves in public affairs.

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

20 Section 10. Definitions. In this Act:

21 "Government" includes a branch, department, agency,
22 instrumentality, official, employee, agent, or other person
23 acting under color of law of the United States, a state, a
24 subdivision of a state, or another public authority including
25 the electorate.

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

4 "Judicial claim" or "claim" include any lawsuit, cause of
5 action, claim, cross-claim, counterclaim, or other judicial
6 pleading or filing alleging injury.

7 "Motion" includes any motion to dismiss, for summary
8 judgment, or to strike, or any other judicial pleading filed to
9 dispose of a judicial claim.

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

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

15 Section 15. Applicability. This Act applies to any motion
16 to dispose of a claim in a judicial proceeding on the grounds
17 that the claim is based on, relates to, or is in response to
18 any act or acts of the moving party in furtherance of the
19 moving party's rights of petition, speech, association, or to
20 otherwise participate in government.

21 Acts in furtherance of the constitutional rights to
22 petition, speech, association, and participation in government
23 are immune from liability, regardless of intent or purpose,
24 except when not genuinely aimed at procuring favorable
25 government action, result, or outcome.

1 Section 20. Motion procedure and standards.

2 (a) On the filing of any motion as described in Section 15,
3 a hearing and decision on the motion must occur within 90 days
4 after notice of the motion is given to the respondent. An
5 appellate court shall expedite any appeal or other writ,
6 whether interlocutory or not, from a trial court order denying
7 that motion or from a trial court's failure to rule on that
8 motion within 90 days after that trial court order or failure
9 to rule.

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

15 (c) The court shall grant the motion and dismiss the
16 judicial claim unless the court finds that the responding party
17 has produced clear and convincing evidence that the acts of the
18 moving party are not immunized from, or are not in furtherance
19 of acts immunized from, liability by this Act.

20 Section 25. Attorney's fees and costs. The court shall
21 award a moving party who prevails in a motion under this Act
22 reasonable attorney's fees and costs incurred in connection
23 with the motion.

1 Section 30. Construction of Act.

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

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

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.