



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5078

Introduced 2/10/2026, by Rep. Mary Beth Canty

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/Art. XXIV heading new  
735 ILCS 5/24-105 new  
735 ILCS 5/24-110 new  
735 ILCS 5/24-115 new  
735 ILCS 5/24-120 new  
735 ILCS 5/24-125 new  
735 ILCS 5/24-130 new  
735 ILCS 5/24-135 new

Creates the Gender-Based Violence Article in the Code of Civil Procedure. Provides that the Article applies to any motion to dispose of a claim that is based on, relates to, or is in response to the moving party's reporting gender-based violence. Provides that if a court finds that the civil action is based on the moving party reporting gender-based violence, it shall grant a motion to dismiss the claim unless it finds that the responding party has established by a preponderance of the evidence that the moving party's reporting gender-based violence was done with knowledge that the report was false or with reckless disregard of whether it was false or not. Provides that absent any additional corroborating evidence, specified pieces of evidence may not, on its own or in combination with each other, be used to establish that the moving party's reporting of gender-based violence was done with knowledge that the report was false or with reckless disregard of whether it was false or not. Sets forth motion and procedure standards for a motion filed under the Article. Establishes awards for attorney's fees and costs, injunctive relief, and damages. Provides that the Act may be referred to as the Protect Survivors Reporting Act. Effective immediately.

LRB104 18205 JRC 31644 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 1. References to Act. This Act may be referred to  
5 as the Protect Survivors Reporting Act.

6 Section 5. The Code of Civil Procedure is amended by  
7 adding Article XXIV as follows:

8 (735 ILCS 5/Art. XXIV heading new)

9 ARTICLE XXIV. GENDER-BASED VIOLENCE

10 (735 ILCS 5/24-105 new)

11 Sec. 24-105. Declaration of public policy. Gender-based  
12 violence is a pervasive societal problem, and only a small  
13 percentage of incidents are reported, and of those reported an  
14 even smaller percentage lead to an arrest or conviction.  
15 Survivors of gender-based violence are often silenced by fear  
16 of retaliation, including the threat of being sued for  
17 defamation, slander, libel, harassment, or other claims  
18 related to speaking out. The fear of such lawsuits deters  
19 survivors from reporting and allows perpetrators to avoid the  
20 consequences of their actions. The use of the legal system to  
21 silence survivors has a corrosive effect on survivors and does

1 not serve the public good. The General Assembly recognizes  
2 that reporting gender-based violence is a right protected by  
3 the Illinois Constitution and the United States Constitution.

4 (735 ILCS 5/24-110 new)

5 Sec. 24-110. Definitions. In this Article:

6 "Claim" means any lawsuit, action, claim, crossclaim,  
7 counterclaim, or other judicial pleading or filing alleging  
8 injury.

9 "Gender-based violence" means one or more acts of  
10 violence, aggression, or abuse satisfying the elements of any  
11 criminal or civil offense under the laws of this State that are  
12 committed, at least in part, on the basis of a person's actual  
13 or perceived sex or gender, regardless of whether the acts  
14 were reported to law enforcement or resulted in legal action,  
15 including, but not limited to, any act of domestic abuse as  
16 defined in the Illinois Domestic Violence Act of 1986, dating  
17 violence, human trafficking, sexual assault, sexual abuse,  
18 sexual harassment, or stalking.

19 "Motion" includes any motion to dismiss, for summary  
20 judgment, or to strike, or any other judicial pleading filed  
21 to dispose of a judicial claim.

22 "Moving party" means any person on whose behalf a motion  
23 described in Section 24-115 is filed seeking dismissal of a  
24 claim.

25 "Person" includes any individual, corporation,

1 association, organization, partnership, 2 or more persons  
2 having a joint or common interest, or other legal entity.

3 "Reporting gender-based violence" includes making a  
4 disclosure of gender-based violence to authorities, an  
5 employer, an educational institution, a public entity, or  
6 nonprofit agency, to the press or media or at a public forum,  
7 in print, electronically, or via social media, or to another  
8 person verbally, in writing, or via electronic means.

9 "Responding party" means any person against whom a motion  
10 described in Section 24-115 is filed.

11 (735 ILCS 5/24-115 new)

12 Sec. 24-115. Applicability.

13 (a) This Article applies to any motion to dispose of a  
14 claim that is based on, relates to, or is in response to the  
15 moving party's reporting gender-based violence. This includes,  
16 but is not limited to, claims alleging defamation, slander,  
17 libel, harassment, and actions arising out of the alleged  
18 perpetrator of gender-based violence being publicly named. If  
19 a court finds that the civil action is based on the moving  
20 party reporting gender-based violence, it shall grant a motion  
21 to dismiss the claim unless it finds that the responding party  
22 has established by a preponderance of the evidence that the  
23 moving party's reporting gender-based violence was done with  
24 knowledge that the report was false or with reckless disregard  
25 of whether it was false or not.

1       (b) Absent any additional corroborating evidence, the  
2 following pieces of evidence may not, on their own or in  
3 combination with each other, be used to establish that the  
4 moving party's reporting gender-based violence was done with  
5 knowledge that the report was false or with reckless disregard  
6 of whether it was false or not:

7           (1) the moving party not seeking health care or social  
8 services related to the gender-based violence;

9           (2) the moving party not having reported to law  
10 enforcement;

11           (3) a State's Attorney's decision not to prosecute;

12           (4) a grand jury's decision not to indict;

13           (5) a criminal case not resulting in a conviction;

14           (6) the moving party not seeking or obtaining a  
15 protective order or other civil or administrative relief;

16           (7) the moving party not reporting to an employer,  
17 educational institution, or other authority; or

18           (8) an employer, educational institution, or other  
19 authority determining the responding party is not  
20 responsible for the gender-based violence.

21       (735 ILCS 5/24-120 new)

22       Sec. 24-120. Motion procedure and standards.

23       (a) On the filing of any motion as described in Section  
24 24-115, a hearing and decision on the motion must occur within  
25 90 days after notice of the motion is given to the responding

1 party. An appellate court shall expedite any appeal or other  
2 writ, whether interlocutory or not, from a trial court order  
3 denying that motion or from a trial court's failure to rule on  
4 that motion within 90 days after that trial court's order or  
5 failure to rule.

6 (b) Discovery shall be suspended pending a decision on the  
7 motion. However, discovery may be taken, upon leave of court  
8 for good cause shown, on the issue of whether the moving  
9 party's report was made with knowledge that it was false or  
10 with reckless disregarding of whether it was false or not.

11 (735 ILCS 5/24-125 new)

12 Sec. 24-125. Attorney's fees, costs, and injunctive relief  
13 on the motion. The court shall award a moving party who  
14 prevails in a motion under this Article reasonable attorney's  
15 fees and costs incurred in connection with the motion, and  
16 appropriate injunctive relief, if requested by the moving  
17 party. The court may also award a moving party treble damages  
18 for any harm caused to the moving party by the action against  
19 them and punitive damages. This relief is only available to  
20 the moving party.

21 (735 ILCS 5/24-130 new)

22 Sec. 24-130. Damages in the case. In any case in which the  
23 moving party filed a motion under this Article, but the claim  
24 is not dismissed under Section 24-115, at the conclusion of

1 the case, a prevailing defendant is entitled to reasonable  
2 attorney's fees and costs for successfully defending the  
3 litigation, plus treble damages for any harm caused by the  
4 action, punitive damages, appropriate injunctive relief if  
5 requested by the defendant, or any other relief otherwise  
6 permitted by law.

7 (735 ILCS 5/24-135 new)

8 Sec. 24-135. Construction of Article.

9 (a) Nothing in this Article limits or precludes any rights  
10 the moving party may have under any other constitutional,  
11 statutory, case or common law, or rule provisions.

12 (b) This Article shall be construed liberally to  
13 effectuate its purposes and intent fully.

14 Section 97. Severability. The provisions of this Act are  
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.