

## 104TH GENERAL ASSEMBLY

### State of Illinois

### 2025 and 2026

### SB1181

Introduced 1/24/2025, by Sen. Steve Stadelman

#### SYNOPSIS AS INTRODUCED:

New Act  
735 ILCS 110/15

Creates the Uniform Public Expression Protection Act. Applies the Act to a civil cause of action, including an action in federal court under its supplemental or diversity jurisdiction, against a person based on the person's: (i) communication in a legislative, executive, judicial, administrative, or other governmental proceeding; (ii) communication on an issue under consideration or review in any of these proceedings; or (iii) exercise of a right guaranteed by the United States Constitution or the Illinois Constitution on a matter of public concern. Provides that the Act does not apply to a cause of action asserted: (i) against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity; (ii) by a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or (iii) against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the person's sale or lease of the goods or services. Creates a procedure for a special motion for expedited relief for a party being sued for issues covered by the Act to dismiss or strike the action in whole or in part within 60 days of being sued. Requires the court to rule on a special motion for expedited relief within 60 days after a hearing, and the court must conduct a hearing not later than 60 days after the filing of such a motion unless it continues it for discovery under the Act or for other good cause. Makes other changes. Makes a conforming change in the Citizen Participation Act. Effective immediately.

LRB104 05566 JRC 15596 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. Short title. This Act may be cited as the  
5 Uniform Public Expression Protection Act.

6 Section 5. Definitions and scope.

7 (a) In this Act:

8 (1) "Goods or services" does not include the creation,  
9 dissemination, exhibition, or advertisement or similar  
10 promotion of a dramatic, literary, musical, political,  
11 journalistic, or artistic work.

12 (2) "Governmental unit" means this State and all of  
13 its subdivisions, agencies, and instrumentalities, any  
14 county, township, municipality, municipal corporation,  
15 school district, school board, educational service region,  
16 regional board of school trustees, trustees of schools of  
17 townships, treasurers of schools of townships, community  
18 college district, community college board, forest preserve  
19 district, park district, fire protection district,  
20 sanitary district, museum district, emergency telephone  
21 system board, and any other local governmental body.

22 (3) "Person" means an individual, estate, trust,  
23 partnership, business or nonprofit entity, governmental

1 unit, or other legal entity.

2 (4) "Special motion" means a special motion for  
3 expedited relief under Section 10.

4 (b) Except as otherwise provided in subsection (c), this  
5 Act applies to a cause of action asserted in a civil action,  
6 including an action in federal court pursuant to its  
7 supplemental or diversity jurisdiction, against a person based  
8 on the person's:

9 (1) communication in a legislative, executive,  
10 judicial, administrative, or other governmental  
11 proceeding;

12 (2) communication on an issue under consideration or  
13 review in a legislative, executive, judicial,  
14 administrative, or other governmental proceeding; or

15 (3) exercise of the right of freedom of speech or of  
16 the press, the right to assemble or petition, or the right  
17 of association, guaranteed by the United States  
18 Constitution or the Illinois Constitution, on a matter of  
19 public concern.

20 This Act applies to a cause of action described in this  
21 subsection regardless of the motives of the person asserting  
22 the cause of action.

23 (c) This Act does not apply to a cause of action asserted:

24 (1) against a governmental unit or an employee or  
25 agent of a governmental unit acting or purporting to act  
26 in an official capacity;

1           (2) by a governmental unit or an employee or agent of a  
2           governmental unit acting in an official capacity to  
3           enforce a law to protect against an imminent threat to  
4           public health or safety; or

5           (3) against a person primarily engaged in the business  
6           of selling or leasing goods or services if the cause of  
7           action arises out of a communication related to the  
8           person's sale or lease of the goods or services.

9           Section 10. Special motion for expedited relief.

10          (a) Not later than 60 days after a party is served with a  
11          complaint, petition, crossclaim, counterclaim, third-party  
12          claim, or other pleading that asserts a cause of action to  
13          which this Act applies, or at a later time on a showing of good  
14          cause, the party may file a special motion for expedited  
15          relief to dismiss or strike the cause of action in whole or in  
16          part.

17          (b) A special motion under this Section may be filed  
18          pursuant to any rule or procedure to dispose of a cause of  
19          action in whole or in part, including, but not limited to,  
20          Section 2-615 (motions with respect to pleadings), Section  
21          2-619 (involuntary dismissal based on certain defects or  
22          defenses), Section 2-1005 (summary judgment), Section 2-1110  
23          (directed verdict), Section 1202 (post-trial motion), or  
24          Section 2-1203 (motion after judgment) of the Code of Civil  
25          Procedure. A special motion may be filed as part of a combined

1 motion pursuant to Section 2-619.1 of the Code of the Civil  
2 Procedure.

3 (c) Notwithstanding any other provision of law, a special  
4 motion under this Section does not waive the moving party's  
5 right to file any other pleading or motion or to raise any  
6 other defenses in response to the cause of action.

7 Section 15. Stay.

8 (a) Except as otherwise provided in subsections (d)  
9 through (g), on the filing of a special motion under this Act:

10 (1) all other proceedings between the moving party and  
11 responding party, including discovery and a pending  
12 hearing or motion, are stayed; and

13 (2) on motion by the moving party, the court may stay a  
14 hearing or motion involving another party, or discovery by  
15 another party, if the hearing or ruling on the motion  
16 would adjudicate, or the discovery would relate to, an  
17 issue material to the special motion.

18 (b) A stay under subsection (a) remains in effect until  
19 entry of an order ruling on the special motion and expiration  
20 of the time under Section 40 for the moving party to appeal the  
21 order.

22 (c) Except as otherwise provided in subsections (e), (f),  
23 and (g), if a party appeals from an order ruling on a special  
24 motion, all proceedings between all parties in the action are  
25 stayed. The stay remains in effect until the conclusion of the

1 appeal.

2 (d) During a stay under subsection (a), the court may  
3 allow limited discovery if a party shows that specific  
4 information is necessary to establish whether a party has  
5 satisfied or failed to satisfy a burden under subsection (a)  
6 of Section 30 and the information is not reasonably available  
7 unless discovery is allowed.

8 (e) A motion under Section 45 for costs, attorney's fees,  
9 and expenses is not subject to a stay under this Section.

10 (f) A stay under this Section does not affect a party's  
11 ability voluntarily to dismiss a cause of action in whole or in  
12 part.

13 (g) During a stay under this Section, the court for good  
14 cause may hear and rule on:

15 (1) a motion unrelated to the special motion; and

16 (2) a motion seeking a special or preliminary  
17 injunction to protect against an imminent threat to public  
18 health or safety.

19 Section 20. Hearing.

20 (a) The court shall hear a special motion under this Act  
21 not later than 60 days after filing of the motion, unless the  
22 court orders a later hearing:

23 (1) to allow discovery under subsection (d) of Section  
24 15; or

25 (2) for other good cause.

1           (b) If the court orders a later hearing under paragraph  
2           (1) of subsection (a), the court shall hear the special motion  
3           not later than 60 days after the court order allowing the  
4           discovery, unless the court orders a later hearing under  
5           paragraph (2) of subsection (a).

6           Section 25. Proof. In ruling on a special motion, the  
7           court shall consider the pleadings, the motion, any reply or  
8           response to the motion, and any evidence that could be  
9           considered in ruling on a motion for summary judgment under  
10          Section 2-1005 of the Code of Civil Procedure.

11          Section 30. Dismissing or striking a cause of action in  
12          whole or part.

13          (a) In ruling on a special motion, the court shall dismiss  
14          or strike a cause of action with prejudice in whole or in part  
15          if:

16               (1) the moving party establishes under subsection (b)  
17               of Section 5 that this Act applies;

18               (2) the responding party fails to establish under  
19               subsection (c) of Section 5 that this Act does not apply;  
20          and

21               (3) either:

22                     (A) the responding party fails to establish a  
23                     prima facie case as to each essential element of the  
24                     cause of action; or

1 (B) the moving party establishes that:

2 (i) the responding party failed to state a  
3 cause of action upon which relief can be granted;  
4 or

5 (ii) there is no genuine issue as to any  
6 material fact and the moving party is entitled to  
7 judgment as a matter of law on the cause of action  
8 in whole or in part.

9 (b) A voluntary dismissal without prejudice of a  
10 responding party's cause of action, in whole or in part, that  
11 is the subject of a special motion does not affect a moving  
12 party's right to obtain a ruling on the motion and seek costs,  
13 attorney's fees, and expenses under Section 45.

14 (c) A voluntary dismissal with prejudice of a responding  
15 party's cause of action, in whole or in part, that is the  
16 subject of a special motion establishes for the purpose of  
17 Section 45 that the moving party prevailed on the special  
18 motion.

19 Section 35. Ruling. The court shall rule on a motion under  
20 Section 10 not later than 60 days after a hearing under Section  
21 20.

22 Section 40. Appeal. A moving party may appeal as a matter  
23 of right from an order denying, in whole or in part, a motion  
24 under Section 10. The appeal must be filed not later than 30



1 days after entry of the order.

2 Section 45. Costs, attorney's fees, and expenses. The  
3 court shall award court costs, reasonable attorney's fees, and  
4 reasonable litigation expenses related to a special motion:

5 (1) to the moving party if the moving party prevails  
6 on the motion; or

7 (2) to the responding party if the responding party  
8 prevails on the motion and the court finds that the motion  
9 was frivolous or filed solely with intent to delay the  
10 proceeding.

11 Section 50. Construction. This Act must be broadly  
12 construed and applied to protect the exercise of the right of  
13 freedom of speech and of the press, the right to assemble and  
14 petition, and the right of association, guaranteed by the  
15 United States Constitution or the Illinois Constitution.

16 Section 55. Uniformity of application and construction. In  
17 applying and construing this uniform Act, consideration must  
18 be given to the need to promote uniformity of the law with  
19 respect to its subject matter among states that enact it.

20 Section 60. Transitional provision. This Act applies to a  
21 civil action filed or cause of action asserted in a civil  
22 action on or after the effective date of this Act.

1       Section 65. Savings clause. This Act does not affect a  
2       cause of action asserted before the effective date of this Act  
3       in a civil action or a motion under the Citizen Participation  
4       Act regarding such a cause of action.

5       Section 70. Severability. If any provision of this Act or  
6       its application to any person or circumstance is held invalid,  
7       the invalidity does not affect other provisions or  
8       applications of this Act which can be given effect without the  
9       invalid provision or application, and to this end the  
10      provisions of this Act are severable.

11      Section 75. Relation to the Citizen Participation Act.  
12      Beginning on the effective date of this Act, the Citizen  
13      Participation Act applies only to a civil action described in  
14      Section 65.

15      Section 900. The Citizen Participation Act is amended by  
16      changing Section 15 as follows:

17      (735 ILCS 110/15)

18      Sec. 15. Applicability. This Act applies to any motion to  
19      dispose of a claim in a judicial proceeding on the grounds that  
20      the claim is based on, relates to, or is in response to any act  
21      or acts of the moving party in furtherance of the moving

1 party's rights of petition, speech, association, or to  
2 otherwise participate in government filed before the effective  
3 date of the Uniform Public Expression Protection Act.

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

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

10 Section 999. Effective date. This Act takes effect upon  
11 becoming law.