

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 5. The Citizen Participation Act is amended by
5 changing Sections 5, 15, and 25 and by adding Sections 17 and
6 32 as follows:

7 (735 ILCS 110/5)

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

23 Civil actions for money damages have been filed against

1 citizens and organizations of this State as a result of their
2 valid exercise of their constitutional rights to petition,
3 speak freely, associate freely, and otherwise participate in
4 and communicate with government. The press opining, reporting,
5 or investigating matters of public concern is participating
6 and communicating with the government. There has been a
7 disturbing increase in lawsuits termed "Strategic Lawsuits
8 Against Public Participation" in government or "SLAPPs" as
9 they are popularly called.

10 The threat of SLAPPs significantly chills and diminishes
11 citizen participation in government, voluntary public service,
12 and the exercise of these important constitutional rights.
13 This abuse of the judicial process can and has been used as a
14 means of intimidating, harassing, or punishing citizens and
15 organizations, including the press, for involving themselves
16 in public affairs.

17 It is in the public interest and it is the purpose of this
18 Act to strike a balance between the rights of persons to file
19 lawsuits for injury and the constitutional rights of persons
20 to petition, speak freely, associate freely, and otherwise
21 participate in government; to protect and encourage public
22 participation in government to the maximum extent permitted by
23 law; to establish an efficient process for identification and
24 adjudication of SLAPPs; and to provide for attorney's fees and
25 costs to prevailing movants. As such, this Act should be
26 construed broadly in striking the balance of rights described

1 in this Act.

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

3 (735 ILCS 110/15)

4 Sec. 15. Applicability. This Act applies to any motion to
5 dispose of a claim in a judicial proceeding on the grounds that
6 the claim is based on, relates to, or is in response to any act
7 or acts of the moving party in furtherance of the moving
8 party's rights of petition, speech, association, or to
9 otherwise participate in government, including freedom of the
10 press. The claim does not need to solely pertain to the moving
11 party's constitutional rights as this Act applies regardless
12 of the motives of the person who brought the claim that the
13 moving party is seeking to dispose of.

14 Acts in furtherance of the constitutional rights to
15 petition, speech, association, and participation in
16 government, including freedom of the press, are immune from
17 liability, regardless of intent or purpose, except when not
18 genuinely aimed at procuring favorable government action,
19 result, or outcome.

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

21 (735 ILCS 110/17 new)

22 Sec. 17. Stay.

23 (a) Except as otherwise provided in subsections (d)
24 through (g), on the filing of a motion under Section 15 of this

1 Act:

2 (1) all other proceedings between the moving party and
3 responding party, including discovery and a pending
4 hearing or motion, are stayed; and

5 (2) on motion by the moving party, the court may stay a
6 hearing or motion involving another party, or discovery by
7 another party, if the hearing or ruling on the motion
8 would adjudicate, or the discovery would relate to, an
9 issue material to the motion to dispose of a claim under
10 Section 15.

11 (b) A stay under subsection (a) remains in effect until
12 entry of an order ruling on the motion to dispose of the claim
13 under Section 15 and expiration of the time under Section 20 to
14 appeal the order.

15 (c) Except as otherwise provided in subsections (e), (f),
16 and (g), if a party appeals from an order ruling on the motion
17 to dispose of the claim, all proceedings between all parties
18 in the action are stayed. The stay remains in effect until the
19 conclusion of the appeal.

20 (d) During a stay under subsection (a), the court may
21 allow limited discovery as provided in Section 20.

22 (e) A motion under Section 25 for costs, attorney's fees,
23 and expenses is not subject to a stay under this Section.

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

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

3 (1) a motion unrelated to the motion to dispose of the
4 claim under Section 15; and

5 (2) a motion seeking a special or preliminary
6 injunction to protect against an imminent threat to public
7 health or safety.

8 (735 ILCS 110/25)

9 Sec. 25. Attorney's fees and costs. The court shall award
10 a moving party who prevails in a motion under this Act
11 reasonable attorney's fees and costs incurred in connection
12 with the motion. The court shall award a responding party who
13 prevails in a motion under this Act reasonable attorney's fees
14 and costs included in connection with the motion if the court
15 finds that the motion was frivolous or filed solely with
16 intent to delay the proceeding.

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

18 (735 ILCS 110/32 new)

19 Sec. 32. Applicability. The changes made to this Act by
20 this amendatory Act of the 104th General Assembly apply only
21 to actions commenced on or after January 1, 2026.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.