



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2836

Introduced 2/16/2023, by Rep. Mary Beth Canty

SYNOPSIS AS INTRODUCED:

New Act

Creates the Right to Speak Your Truth Act. Prohibits a person accused of sexual misconduct, sexual abuse, sexual assault, and sexual harassment from using a defamation action to silence, or retaliate against, the accusing person, staff, or third party reporting the forms of sexual misconduct, sexual abuse, sexual assault, and sexual harassment. Provides that defamation claims, where an accuser is publicly named by a person, staff, or third person reporting alleged sexual misconduct, sexual abuse, sexual assault, or sexual harassment, shall be reserved for cases where cited documentation and evidence can establish within the initial court filing one or more of the following: (1) the claimed act in the reported accusation was a factual impossibility for the accused to have perpetrated; (2) the accuser has been impeached in a courtroom proceeding regarding the same alleged facts as in the present reported accusation; (3) the accuser has publicly made contrary statements involving relevant, material facts regarding the present reported incident; or (4) the accuser has publicly stated that the present reported incident did not occur.

LRB103 27309 LNS 53680 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 Right
5 to Speak Your Truth Act.

6 Section 5. Definition. As used in this Act, "report" or
7 "reporting" includes disclosures to authorities, human
8 resources, speaking to the press, publishing on social media,
9 or telling another person.

10 Section 10. Defamation action prohibited. A person accused
11 of sexual misconduct, sexual abuse, sexual assault, and sexual
12 harassment shall not use a defamation action to silence, or
13 retaliate against, the accusing person, staff, or third party
14 reporting the forms of sexual misconduct, sexual abuse, sexual
15 assault, and sexual harassment, including cases where the
16 alleged perpetrator is publicly named.

17 Section 15. Defamation claims allowed. Defamation claims,
18 where an accuser is publicly named by a person, staff, or third
19 person reporting alleged sexual misconduct, sexual abuse,
20 sexual assault, or sexual harassment, shall be reserved for
21 cases where cited documentation and evidence can establish

1 within the initial court filing one or more of the following:

2 (1) the claimed act in the reported accusation was a
3 factual impossibility for the accused to have perpetrated;

4 (2) the accuser has been impeached in a courtroom
5 proceeding regarding the same alleged facts as in the
6 present reported accusation;

7 (3) the accuser has publicly made contrary statements
8 involving relevant, material facts regarding the present
9 reported incident; or

10 (4) the accuser has publicly stated that the present
11 reported incident did not occur.