



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4233

Introduced 1/16/2024, by Rep. Margaret Croke

SYNOPSIS AS INTRODUCED:

New Act

Creates the Bullying and Cyberbullying Victims Protection Act. Allows a minor who is the victim of bullying or cyberbullying, or a parent or person standing in parental relation to the minor, to seek injunctive relief against the individual who was bullying or cyberbullying the minor or, if the individual is younger than 18 years of age, against a parent or person standing in parental relation to the individual. Allows a court to issue a temporary restraining order, preliminary injunction, or permanent injunction appropriate under the circumstances to prevent any further bullying or cyberbullying. Requires the Supreme Court to adopt forms for use as an application for initial injunctive relief by individuals representing themselves in suits involving bullying or cyberbullying and instructions for the proper use of each form or set of forms.

LRB103 35388 LNS 65453 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 Bullying and Cyberbullying Victims Protection Act.

6 Section 5. Definitions. As used in this Act:

7 "Bullying" means any severe or pervasive physical or
8 verbal act or conduct, including communications made in
9 writing or electronically, directed toward a minor or minors
10 that has or can be reasonably predicted to have the effect of
11 one of the following:

12 (1) causing discrimination against a person because of
13 his or her actual or perceived race, color, religion,
14 national origin, ancestry, age, sex, order of protection
15 status, disability, sexual orientation, or pregnancy;

16 (2) inducing, or intending to induce, self-harm by a
17 minor; or

18 (3) causing a substantial detrimental effect on the
19 minor's physical or mental health.

20 "Bullying" includes cyberbullying.

21 "Cyberbullying" means bullying that is done through the
22 use of any electronic communication device, including through
23 the use of a cellular or other type of telephone, a computer, a

1 camera, email, instant messaging, text messaging, a social
2 media application, an Internet website, or any other
3 Internet-based communication tool.

4 "Minor" means a person who is younger than 18 years of age.

5 Section 10. Relief from bullying or cyberbullying.

6 (a) A minor who is the victim of bullying or
7 cyberbullying, or a parent or person standing in parental
8 relation to the victim, may seek injunctive relief against the
9 individual who was bullying or cyberbullying the minor or, if
10 the individual is younger than 18 years of age, against a
11 parent or person standing in parental relation to the
12 individual.

13 (b) A court may issue a temporary restraining order,
14 preliminary injunction, or permanent injunction appropriate
15 under the circumstances to prevent any further bullying or
16 cyberbullying, including an order or injunction:

17 (1) enjoining a defendant from engaging in bullying or
18 cyberbullying; or

19 (2) compelling a defendant who is a parent of or
20 person standing in parental relation to an individual who
21 is younger than 18 years of age to take reasonable actions
22 to cause the individual to cease engaging in bullying or
23 cyberbullying.

24 (c) A plaintiff in an action for injunctive relief brought
25 under this Act is entitled to a temporary restraining order

1 upon showing that the plaintiff is likely to succeed in
2 establishing that the individual was bullying or cyberbullying
3 the victim. A temporary restraining order shall be granted
4 only if it complies with Section 11-1101 of the Code of Civil
5 Procedure.

6 (d) A plaintiff is entitled to a preliminary or permanent
7 injunction under this Act upon showing that the individual was
8 bullying or cyberbullying the minor.

9 (e) A court granting a temporary restraining order under
10 Section 11-1101 of the Code of Civil Procedure or preliminary
11 injunction may, on motion of either party or sua sponte, order
12 the preservation of any relevant electronic communication.

13 Section 15. Adoption of forms.

14 (a) The Supreme Court shall, as it finds appropriate,
15 adopt forms for use as an application for initial injunctive
16 relief by individuals representing themselves in actions
17 involving bullying or cyberbullying and instructions for the
18 proper use of each form or set of forms.

19 (b) The forms and instructions:

20 (1) must be written in language that is easily
21 understood by the general public;

22 (2) shall be made readily available to the general
23 public in the manner prescribed by the Supreme Court; and

24 (3) must be translated into the Spanish language.

25 (c) The Spanish language translation of a form must:

1 (1) state:

2 (A) that the Spanish language translated form is
3 to be used solely for the purpose of assisting in
4 understanding the form and may not be submitted to the
5 court; and

6 (B) that the English language version of the form
7 must be submitted to the court; or

8 (2) be incorporated into the English language version
9 of the form in a manner that is understandable to both the
10 court and members of the general public.

11 (d) Each form and its instructions must clearly and
12 conspicuously state that the form is not a substitute for the
13 advice of an attorney.

14 (e) A court shall accept a form adopted by the Supreme
15 Court under this Act unless the form has been completed in a
16 manner that causes a substantive defect that cannot be cured.