92_HB1414ham001

LRB9204013WHcsam01

L	AMENDMENT	TO	HOUSE	BILL	1414

- 2 AMENDMENT NO. ____. Amend House Bill 1414 by replacing
- 3 the title with the following:
- 4 "AN ACT in relation to violence against women.
- 5 WHEREAS, Recent national studies demonstrate that women
- 6 in the United States continue to be greatly harmed by
- 7 gender-related violence such as domestic violence, which is
- 8 disproportionately visited upon women by men, and sexual
- 9 abuse, which harms many women and children without being
- 10 reported or prosecuted; and
- 11 WHEREAS, It is documented that existing State and federal
- 12 laws have not provided adequate remedies to women survivors
- of domestic violence and sexual abuse; and
- 14 WHEREAS, Women survivors of domestic violence oftentimes
- 15 have found laws against domestic violence used against them
- 16 by their batterers; and
- 17 WHEREAS, The United States Supreme Court has ruled that
- 18 the states alone have the authority to grant civil relief to
- 19 the survivors of such sexually discriminatory violence; and
- 20 WHEREAS, Such acts of gender-related violence are a form
- of sex discrimination; therefore"; and

- 1 by replacing everything after the enacting clause with the
- 2 following:
- 3 "Section 1. Short title. This Act may be cited as the
- 4 Gender Violence Act.
- 5 Section 5. Definition. In this Act, "gender-related
- 6 violence", which is a form of sex discrimination, means the
- 7 following:
- 8 (1) One or more acts of violence or physical
- 9 aggression satisfying the elements of battery under the
- laws of Illinois that are committed, at least in part, on
- 11 the basis of a person's sex, whether or not those acts
- 12 have resulted in criminal charges, prosecution, or
- 13 conviction.
- 14 (2) A physical intrusion or physical invasion of a
- 15 sexual nature under coercive conditions satisfying the
- elements of battery under the laws of Illinois, whether
- or not the act or acts resulted in criminal charges,
- 18 prosecution, or conviction.
- 19 (3) A threat of an act described in item (1) or (2)
- 20 causing a realistic apprehension that the originator of
- 21 the threat will commit the act.
- 22 Section 10. Cause of action. Any person who has been
- 23 subjected to gender-related violence as defined in Section 5
- 24 may bring a civil action for damages, injunctive relief, or
- 25 other appropriate relief against a person or persons
- 26 perpetrating that gender-related violence. For purposes of
- 27 this Section, "perpetrating" means either personally
- 28 committing the gender-related violence or personally
- 29 encouraging or assisting the act or acts of gender-related
- 30 violence.

- 1 Section 15. Relief. In an action brought under this Act,
- 2 the court may award damages, injunctive relief, or other
- 3 appropriate relief. The court may award actual damages,
- 4 damages for emotional distress, or punitive damages. A
- 5 judgment may also include attorney's fees and costs.
- 6 Section 20. Limitation. An action under this Act must be
- 7 commenced within 10 years after the cause of action accrued;
- 8 however, if the person entitled to bring the action was a
- 9 minor at the time the cause of action accrued, the action
- 10 must be commenced within 7 years after the person reaches the
- 11 age of 18.
- 12 Section 98. Applicability. This Act applies only to
- causes of action accruing on or after its effective date.".