

1 AN ACT in relation to gender violence.

2 WHEREAS, Existing State and federal laws do not
3 adequately prevent and remedy gender-related violence, such
4 as domestic violence, which is disproportionately visited
5 upon women by men; sexual abuse, which harms many women and
6 children without being reported or prosecuted; and violence
7 against men and women for actual or attributed sexual or
8 gender nonconformity; and

9 WHEREAS, Recent National Studies demonstrate that women
10 in the United States continue to be greatly harmed by
11 gender-related violence; and

12 WHEREAS, It is documented that women survivors of
13 domestic violence oftentimes have found laws against domestic
14 violence used against them by their batterers; and

15 WHEREAS, The United States Supreme Court has ruled that
16 the states alone have the authority to grant civil relief to
17 the survivors of such sexually discriminatory violence; and

18 WHEREAS, Such acts of gender-related violence are a form
19 of sex discrimination; therefore

20 Be it enacted by the People of the State of Illinois,
21 represented in the General Assembly:

22 Section 1. Short title. This Act may be cited as the
23 Gender Violence Act.

24 Section 5. Definitions. In this Act:

25 "Gender-related violence," which is a form of sex
26 discrimination, means the following:

- 27 (1) One or more acts of violence or physical
28 aggression satisfying the elements of battery under the
29 laws of Illinois that are committed, at least in part, on

1 the basis of a person's sex, gender, or sexuality,
2 whether or not those acts have resulted in criminal
3 charges, prosecution, or conviction.

4 (2) A physical intrusion or physical invasion of a
5 sexual nature under coercive conditions satisfying the
6 elements of battery under the laws of Illinois, whether
7 or not the act or acts resulted in criminal charges,
8 prosecution, or conviction.

9 (3) A threat of an act described in item (1) or
10 (2), causing a realistic apprehension that the originator
11 of the threat will commit the act.

12 "Sex, gender, or sexuality" includes but is not limited
13 to:

14 (1) Actual or attributed sexual orientation.

15 (2) Actual or attributed gender identity.

16 (3) Actual or attributed sex or gender role
17 conformity or nonconformity.

18 Section 10. Cause of action. Any person who has been
19 subjected to gender-related violence as defined in Section 5
20 may bring a civil action for damages, injunction, or other
21 appropriate relief against a person or persons perpetrating
22 that gender-related violence. For purposes of this Section,
23 "perpetrating" means either personally committing the
24 gender-related violence or personally encouraging or
25 assisting the act or acts of gender-related violence.

26 Section 15. Relief. In an action brought under this Act,
27 the court may award damages, injunction, or other appropriate
28 relief. The court may award actual damages, damages for
29 emotional distress, or punitive damages. A judgement may
30 also include attorney's fees and costs.

31 Section 20. Limitation. An action under this Act must be

1 commenced within 10 years after the right to bring the action
2 first accrued, provided that, for any person who is a minor
3 who has been subjected to gender-related violence, an action
4 must commence within 7 years after the person reaches the age
5 of 18.

6 Section 98. Applicability. This Act applies only to
7 causes of action accruing on or after its effective date.