



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4850

Introduced 1/27/2022, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

740 ILCS 82/5
740 ILCS 82/11 new
740 ILCS 82/20
740 ILCS 82/25 new

Amends "An Act in relation to violence against women", approved August 5, 2003, Public Act 93-416, by adding clauses to the preamble. Amends the Gender Violence Act. Includes domestic violence in the definition of "gender-related violence". Provides that an employer shall be liable for gender-related violence committed by an employee or nonemployee if the employer, through the employer's acts or omissions, engages in: (1) encouraging or assisting in the commission of the gender-related violence by failing to supervise, train, or monitor an employee or nonemployee; (2) having prior knowledge of an employee's or nonemployee's propensity for engaging in similar conduct but failing to take remedial measures; (3) failing to investigate complaints or reports of similar conduct by an employee or nonemployee; or (4) otherwise failing to investigate or take remedial measures in response to complaints or reports of similar conduct by an employee or nonemployee. Requires an action based on gender-related violence relating to domestic violence to be commenced within 7 years after the cause of action accrued or, in a case where the person was a minor at the time the cause of action accrued, within 7 years of the person reaching the age of 18. Provides that no person has the power to waive any provisions of the Act as part of a dissolution of marriage agreement, civil union, domestic partnership, or custody agreement.

LRB102 25953 LNS 35335 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. "An Act in relation to violence against women",
5 approved August 5, 2003, Public Act 93-416, is amended by
6 changing the preamble as follows:

7 WHEREAS, Recent national studies demonstrate that women in
8 the United States continue to be greatly harmed by
9 gender-related violence such as domestic violence, which is
10 disproportionately visited upon women by men, and sexual
11 abuse, which harms many women and children without being
12 reported or prosecuted; and

13 WHEREAS, It is documented that existing State and federal
14 laws have not provided adequate remedies to women survivors of
15 domestic violence and sexual abuse; and

16 WHEREAS, Women survivors of domestic violence oftentimes
17 have found laws against domestic violence used against them by
18 their batterers; and

19 WHEREAS, The United States Supreme Court has ruled that
20 the states alone have the authority to grant civil relief to

1 the survivors of such sexually discriminatory violence; and

2 WHEREAS, Such acts of gender-related violence are a form
3 of sex discrimination; and therefore

4 WHEREAS, Notwithstanding the intention of the General
5 Assembly when it passed the Gender Violence Act in 2003,
6 courts have not uniformly applied the Gender Violence Act to
7 prohibit domestic violence; and

8 WHEREAS, It was the intention of the General Assembly when
9 it passed the Gender Violence Act in 2003 that employers be
10 held liable, based on their acts or omissions, for
11 gender-motivated violence committed by their employees and
12 non-employees; and

13 WHEREAS, Notwithstanding the intention of the General
14 Assembly when it passed the Gender Violence Act in 2003,
15 courts have not uniformly applied the Gender Violence Act to
16 provide for employer liability; therefore

17 Section 5. The Gender Violence Act is amended by adding
18 Sections 5, 11, and 20 and by adding Section 25 as follows:

19 (740 ILCS 82/5)

20 Sec. 5. Definition. In this Act, "gender-related

1 violence", which is a form of sex discrimination, means the
2 following:

3 (1) One or more acts of violence or physical
4 aggression satisfying the elements of battery under the
5 laws of Illinois that are committed, at least in part, on
6 the basis of a person's sex, whether or not those acts have
7 resulted in criminal charges, prosecution, or conviction.

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

13 (2.5) Domestic violence, as defined in the Victims'
14 Economic Security and Safety Act.

15 (3) A threat of an act described in item (1) ~~or~~ (2) ~~or~~
16 or (2.5) causing a realistic apprehension that the
17 originator of the threat will commit the act.

18 (Source: P.A. 93-416, eff. 1-1-04.)

19 (740 ILCS 82/11 new)

20 Sec. 11. Employer liability.

21 (a) An employer shall be liable for gender-related
22 violence committed by an employee or nonemployee if the
23 employer, through the employer's acts or omissions, engages
24 in:

25 (1) encouraging or assisting in the commission of the

1 gender-related violence by failing to supervise, train, or
2 monitor an employee or nonemployee;

3 (2) having prior knowledge of an employee's or
4 nonemployee's propensity for engaging in similar conduct
5 but failing to take remedial measures;

6 (3) failing to investigate complaints or reports of
7 similar conduct by an employee or nonemployee; or

8 (4) otherwise failing to investigate or take remedial
9 measures in response to complaints or reports of similar
10 conduct by an employee or nonemployee.

11 (b) As used in this Section:

12 "Employee" and "employer" have the same meaning as used in
13 Section 2-101 of the Illinois Human Rights Act.

14 "Nonemployee" has the same meaning as used in Section
15 2-102 of the Illinois Human Rights Act.

16 (740 ILCS 82/20)

17 Sec. 20. Limitation. An action based on gender-related
18 violence as defined in paragraph (1), ~~or~~ (2), or (2.5) of
19 Section 5 must be commenced within 7 years after the cause of
20 action accrued, except that if the person entitled to bring
21 the action was a minor at the time the cause of action accrued,
22 the action must be commenced within 7 years after the person
23 reaches the age of 18. An action based on gender-related
24 violence as defined in paragraph (3) of Section 5 must be
25 commenced within 2 years after the cause of action accrued,

1 except that if the person entitled to bring the action was a
2 minor at the time the cause of action accrued, the action must
3 be commenced within 2 years after the person reaches the age of
4 18.

5 (Source: P.A. 93-416, eff. 1-1-04.)

6 (740 ILCS 82/25 new)

7 Sec. 25. No waiver. No person shall have the power to waive
8 any of the provisions of this Act as part of a dissolution of
9 marriage agreement, civil union, domestic partnership, or
10 custody agreement. Any such purported waiver is considered
11 against public policy, void, and severable from an otherwise
12 valid and enforceable agreement.