



Rep. Will Guzzardi

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10200HB4850ham001

LRB102 25953 LNS 37235 a

1 AMENDMENT TO HOUSE BILL 4850

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4850 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Gender Violence Act is amended by changing  
5 Sections 5 and 20 and by adding Sections 11 and 25 as follows:

6 (740 ILCS 82/5)

7 Sec. 5. Definitions ~~Definition~~. In this Act:<sup>7</sup>

8 "Employee" has the meaning provided in Section 2-101 of  
9 the Illinois Human Rights Act.

10 "Employer" has the meaning provided in Section 2-101 of  
11 the Illinois Human Rights Act.

12 "Gender-related ~~gender-related~~ violence", which is a form  
13 of sex discrimination, means the following:

14 (1) One or more acts of violence or physical  
15 aggression satisfying the elements of battery under the  
16 laws of Illinois that are committed, at least in part, on

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

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

8 (2.5) Domestic violence, as defined in the Illinois  
9 Domestic Violence Act of 1986.

10 (3) A threat of an act described in item (1), ~~or~~ (2),  
11 or (2.5) causing a realistic apprehension that the  
12 originator of the threat will commit the act.

13 "Work environment" means the employee's workplace and  
14 employer's premises, including any building, real property,  
15 and parking area under the control of the employer, or any  
16 other location while used for an employer-sanctioned purpose.

17 "Workplace" means where an employee or agent of the  
18 employer completes the work the employee or agent was hired to  
19 perform or tasks incidental to the employee's or agent's  
20 employment.

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

22 (740 ILCS 82/11 new)

23 Sec. 11. Employer liability for an employee or agent.

24 (a) An employer shall only be liable for gender-related  
25 violence committed in the work environment by an employee or

1 agent of the employer. Liability shall only extend to injuries  
2 sustained: (i) while the employee was directly performing the  
3 employee's job duties and the job duties were the proximate  
4 cause of the injury; or (ii) while the agent of the employer  
5 was directly involved in the performance of the contracted  
6 work and the contracted work was the proximate cause of the  
7 injury. Proximate cause shall exist when the actions of the  
8 employee or the agent of the employer were a substantial  
9 factor in causing the injury.

10 An employer shall be liable where the employer has acted  
11 in a manner inconsistent with how a reasonable person would  
12 act under similar circumstances.

13 (b) An employer shall be liable for gender-related  
14 violence if the employer:

15 (1) failed to supervise, train, or monitor the  
16 employee who engaged in the gender-related violence,  
17 except an employer shall have an affirmative defense to a  
18 failure to train claim under this Act if training was  
19 provided to the employee as provided in Section 2-109 of  
20 the Illinois Human Rights Act; or

21 (2) failed to investigate complaints or reports  
22 directly provided to a supervisor, manager, owner, or  
23 another person designated by the employer of similar  
24 conduct by an employee or agent of the employer and the  
25 employer failed to take remedial measures in response to  
26 the complaints or reports.

1 (740 ILCS 82/20)

2 Sec. 20. Limitation. An action by an individual based on  
3 gender-related violence as defined in paragraph (1), ~~or~~ (2),  
4 or (2.5) of Section 5 must be commenced within 7 years after  
5 the cause of action accrued, except that if the person  
6 entitled to bring the action was a minor at the time the cause  
7 of action accrued, the action must be commenced within 7 years  
8 after the person reaches the age of 18. An action based on  
9 gender-related violence as defined in paragraph (3) of Section  
10 5 must be commenced within 2 years after the cause of action  
11 accrued, except that if the person entitled to bring the  
12 action was a minor at the time the cause of action accrued, the  
13 action must be commenced within 2 years after the person  
14 reaches the age of 18. An action against an employer pursuant  
15 to Section 11 must be commenced within 4 years after the cause  
16 of action accrued, except that if the person entitled to bring  
17 the action was a minor at the time the cause of action accrued,  
18 the action must be commenced within 4 years after the person  
19 reaches the age of 18.

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

21 (740 ILCS 82/25 new)

22 Sec. 25. No waiver. No person shall have the power to waive  
23 any of the provisions of this Act as part of a dissolution of  
24 marriage agreement, civil union, domestic partnership, or

1 custody agreement. Any such purported waiver is considered  
2 against public policy, void, and severable from an otherwise  
3 valid and enforceable agreement.".