



Rep. Will Guzzardi

Filed: 3/15/2023

10300HB1363ham002

LRB103 25675 LNS 59184 a

1 AMENDMENT TO HOUSE BILL 1363

2 AMENDMENT NO. _____. Amend House Bill 1363, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (740 ILCS 82/5)

8 Sec. 5. Definitions ~~Definition~~. In this Act:⁷

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

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

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

15 (1) One or more acts of violence or physical
16 aggression satisfying the elements of battery under the

1 laws of Illinois that are committed, at least in part, on
2 the basis of a person's sex, whether or not those acts have
3 resulted in criminal 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 or
7 not the act or acts resulted in criminal charges,
8 prosecution, or conviction.

9 (2.5) Domestic violence, as defined in the Victims'
10 Economic Security and Safety Act.

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

14 "Workplace" means the employer's premises, including any
15 building, real property, and parking area under the control of
16 the employer, or any location used by an employee while in the
17 performance of the employee's job duties. "Workplace" includes
18 activities occurring off-premises at employer-sponsored events
19 where an employee is not performing the employee's job duties.

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

21 (740 ILCS 82/11 new)

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

23 (a) An employer is only liable for gender-related violence
24 committed in the workplace by an employee or agent of the
25 employer when the interaction giving rise to the

1 gender-related violence arises out of and in the course of
2 employment with the employer. Liability only extends to
3 gender-related violence that occurs: (i) while the employee
4 was directly performing the employee's job duties and the
5 performance of the job duties was the proximate cause of the
6 injury; or (ii) while the agent of the employer was directly
7 involved in the performance of the contracted work and the
8 performance of the contracted work was the proximate cause of
9 the injury. Proximate cause exists when the actions of the
10 employee or the agent of the employer were a substantial
11 factor in causing the injury.

12 An employer is liable if the employer has acted in a manner
13 inconsistent with how a reasonable person would act under
14 similar circumstances.

15 (b) An employer is liable for gender-related violence if
16 the employer:

17 (1) failed to supervise, train, or monitor the
18 employee who engaged in the gender-related violence. An
19 employer providing training pursuant to Section 2-109 of
20 the Illinois Human Rights Act shall have an affirmative
21 defense that adequate training was provided to the
22 employee; or

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

1 employer failed to take remedial measures in response to
2 the complaints or reports.

3 (c) Nothing in this Act precludes a person who has been the
4 victim of gender-related violence from pursuing any other
5 right or cause of action created by statute or common law.

6 (740 ILCS 82/20)

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

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