

1 AN ACT in relation to violence against women.

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

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

11 WHEREAS, Women survivors of domestic violence oftentimes  
12 have found laws against domestic violence used against them  
13 by their batterers; and

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

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

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

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

23 Section 5. Definition. In this Act, "gender-related  
24 violence", which is a form of sex discrimination, means the  
25 following:

26 (1) One or more acts of violence or physical  
27 aggression satisfying the elements of battery under the  
28 laws of Illinois that are committed, at least in part, on  
29 the basis of a person's sex, whether or not those acts

1 have resulted in criminal charges, prosecution, or  
2 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  
6 or not the act or acts resulted in criminal charges,  
7 prosecution, or conviction.

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

11 Section 10. Cause of action. Any person who has been  
12 subjected to gender-related violence as defined in Section 5  
13 may bring a civil action for damages, injunctive relief, or  
14 other appropriate relief against a person or persons  
15 perpetrating that gender-related violence. For purposes of  
16 this Section, "perpetrating" means either personally  
17 committing the gender-related violence or personally  
18 encouraging or assisting the act or acts of gender-related  
19 violence.

20 Section 15. Relief. In an action brought under this Act,  
21 the court may award damages, injunctive relief, or other  
22 appropriate relief. The court may award actual damages,  
23 damages for emotional distress, or punitive damages. A  
24 judgment may also include attorney's fees and costs.

25 Section 20. Limitation. An action based on  
26 gender-related violence as defined in paragraph (1) or (2) of  
27 Section 5 must be commenced within 7 years after the cause of  
28 action accrued, except that if the person entitled to bring  
29 the action was a minor at the time the cause of action  
30 accrued, the action must be commenced within 7 years after  
31 the person reaches the age of 18. An action based on

1 gender-related violence as defined in paragraph (3) of  
2 Section 5 must be commenced within 2 years after the cause of  
3 action accrued, except that if the person entitled to bring  
4 the action was a minor at the time the cause of action  
5 accrued, the action must be commenced within 2 years after  
6 the person reaches the age of 18.

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