

1 AMENDMENT TO SENATE BILL 681

2 AMENDMENT NO. _____. Amend Senate Bill 681 by inserting
3 between the title and the enacting clause the following:

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

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

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

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

19 WHEREAS, Such acts of sex-related violence are a form of
20 sex discrimination; therefore"; and

21 by replacing everything after the enacting clause with the

1 following:

2 "Section 1. Short title. This Act may be cited as the
3 Sexual Violence Act.

4 Section 5. Definitions. In this Act:

5 "Crime of violence motivated by sex" means a crime of
6 violence committed because of sex or on the basis of sex, and
7 due, at least in part, to an animus based on the victim's
8 sex.

9 "Crime of violence" means:

10 (1) an act or series of acts that would constitute
11 a felony against the person or that would constitute a
12 felony against property if the conduct presents a serious
13 risk of physical injury to another and that either (i)
14 has as an element the use, attempted use, or threatened
15 use of physical force against the person or property of
16 another; or (ii) involves a substantial risk that
17 physical force against the person or property of another
18 may be used in the course of committing the offense.

19 (2) an act or series of acts that would constitute
20 a felony described in item (1) but for the relationship
21 between the person whom takes the action and the
22 individual against whom the action is taken.

23 "Sex" means the status of being male or female.

24 Section 10. Cause of action. A person who commits a
25 crime of violence motivated by sex shall be liable to the
26 party injured, in an action for the recovery of compensatory
27 and punitive damages, injunctive and declaratory relief, and
28 any other relief as a court may deem appropriate.

29 Section 15. Relief. In an action brought under this Act,
30 the court may award damages, an injunction, or other

1 appropriate relief. The court may award actual damages,
2 including damages for emotional distress, compensatory
3 damages, or punitive damages. A judgment may include
4 attorney's fees and costs.

5 Section 20. Limitation. To maintain an action under this
6 Act, a person must report an incident to the police within 30
7 days of its occurrence. An action brought under this Act must
8 be commenced within 2 years after the right to bring the
9 action first accrued, provided that, for any person who has
10 been subjected to a crime of violence motivated by sex who is
11 a minor, an action may commence within 2 years after the
12 person has reached the age of 18.

13 Section 25. Applicability. This Act applies only to
14 causes of action accruing on or after the effective date of
15 this Act."