

1                                    AMENDMENT TO HOUSE BILL 536

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 536 by replacing  
3 everything above the enacting clause with the following:

4            "AN ACT in relation to violence motivated by sex.

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

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

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

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

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

1 by replacing everything below the enacting clause with the  
2 following:

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

5 Section 5. Definitions. In this Act:

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

10 "Crime of violence" means:

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

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

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

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

30 Section 15. Relief. In an action brought under this Act,

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

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

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