



Rep. Will Guzzardi

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10300HB1363ham001

LRB103 25675 LNS 57273 a

1 AMENDMENT TO HOUSE BILL 1363

2 AMENDMENT NO. _____. Amend House Bill 1363 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:⁷

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 Victims'
9 Economic Security and Safety Act.

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

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

20 (740 ILCS 82/11 new)

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

22 (a) An employer is only liable for gender-related violence
23 committed in the work environment by an employee or agent of
24 the employer. Liability only extends to gender-related
25 violence that occurs: (i) while the employee was directly

1 performing the employee's job duties and the job duties were
2 the proximate cause of the injury; or (ii) while the agent of
3 the employer was directly involved in the performance of the
4 contracted work and the contracted work was the proximate
5 cause of the injury. Proximate cause exists when the actions
6 of the employee or the agent of the employer were a substantial
7 factor in causing the injury.

8 An employer is liable if the employer has acted in a manner
9 inconsistent with how a reasonable person would act under
10 similar circumstances.

11 (b) An employer is liable for gender-related violence if
12 the employer:

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

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

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

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

20 (740 ILCS 82/25 new)

21 Sec. 25. No waiver. No person has the power to waive any of
22 the provisions of this Act as part of a dissolution of marriage
23 agreement, civil union, domestic partnership, or custody
24 agreement. Any such purported waiver is considered against
25 public policy, void, and severable from an otherwise valid and

1 enforceable agreement.".