

AN ACT concerning civil law.

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

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

(740 ILCS 82/5)

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

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

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

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

(1) One or more acts of violence or physical aggression satisfying the elements of battery under the laws of Illinois that are committed, at least in part, on the basis of a person's sex, whether or not those acts have resulted in criminal charges, prosecution, or conviction.

(2) A physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of battery under the laws of Illinois, whether or not the act or acts resulted in criminal charges, prosecution, or conviction.

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

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

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

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

(740 ILCS 82/11 new)

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

(a) An employer is only liable for gender-related violence committed in the workplace by an employee or agent of the employer when the interaction giving rise to the gender-related violence arises out of and in the course of employment with the employer. Liability only extends to gender-related violence that occurs: (i) while the employee was directly performing the employee's job duties and the gender-related violence was the proximate cause of the injury; or (ii) while the agent of the employer was directly involved in the gender-related violence and the performance of the contracted work was the proximate cause of the injury.

Proximate cause exists when the actions of the employee or the agent of the employer were a substantial factor in causing the injury.

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

(b) Notwithstanding subsection (a), an employer is only liable for gender-related violence if the employer:

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

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

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

(740 ILCS 82/20)

Sec. 20. Limitation. An action by an individual based on

gender-related violence as defined in paragraph (1), ~~or~~ (2), or (2.5) of Section 5 must be commenced within 7 years after the cause of action accrued, except that if the person entitled to bring the action was a minor at the time the cause of action accrued, the action must be commenced within 7 years after the person reaches the age of 18. An action based on gender-related violence as defined in paragraph (3) of Section 5 must be commenced within 2 years after the cause of action accrued, except that if the person entitled to bring the action was a minor at the time the cause of action accrued, the action must be commenced within 2 years after the person reaches the age of 18. An action against an employer pursuant to Section 11 must be commenced within 4 years after the cause of action accrued, except that if the person entitled to bring the action was a minor at the time the cause of action accrued, the action must be commenced within 4 years after the person reaches the age of 18.

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