

110TH CONGRESS
2D SESSION

H. R. 5845

To permit leave under the Family and Medical Leave Act of 1993 for victims of violent crime and domestic violence and immediate family members of victims of violent crime and domestic violence to attend court proceedings relating to such crimes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2008

Mr. EMANUEL (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mrs. MALONEY of New York, Mr. NADLER, Mr. ACKERMAN, Mr. COSTA, and Mr. POE) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To permit leave under the Family and Medical Leave Act of 1993 for victims of violent crime and domestic violence and immediate family members of victims of violent crime and domestic violence to attend court proceedings relating to such crimes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Crime Victims Employ-
3 ment Leave Act”.

4 **SEC. 2. LEAVE FOR VICTIMS OF VIOLENT CRIME AND DO-**
5 **MESTIC VIOLENCE.**

6 (a) **LEAVE REQUIREMENT.**—Section 102 of the Fam-
7 ily and Medical Leave Act of 1993 (29 U.S.C. 2612) is
8 amended—

9 (1) in subsection (a)(1), by adding at the end
10 the following:

11 “(F) To attend court proceedings relating
12 to the prosecution of a person for a violent
13 crime (including domestic violence) committed
14 against the employee, a spouse, parent, son, or
15 daughter of the employee, or other next of kin
16 of the employee (as such term is defined in sec-
17 tion 101 of this Act and under regulations pro-
18 mulgated by the Secretary).”;

19 (2) in subsection (b)(1), by striking “subpara-
20 graph (C) or (D)” and inserting “subparagraph (C),
21 (D), or (F)”; and

22 (3) in subsection (d)(2)(A), by striking “or
23 (E)” and inserting “(E), or (F)”.

24 (b) **NOTICE.**—Section 102(e)(1) of the Family and
25 Medical Leave Act of 1993 (29 U.S.C. 2612(e)(1)) is
26 amended—

1 (1) by striking “In any case” and inserting the
2 following:

3 “(A) CHILDBIRTH OR PLACEMENT.—In
4 any case”; and

5 (2) by adding at the end the following:

6 “(B) COURT PROCEEDINGS.—In any case
7 in which the necessity for leave under subpara-
8 graph (F) of subsection (a)(1) is foreseeable
9 based on a scheduled court proceeding, the em-
10 ployee shall provide the employer with not less
11 than 14 days’ notice, before the date the leave
12 is to begin, of the employee’s intention to take
13 leave under such subparagraph, except that if
14 the date of the court proceeding requires leave
15 to begin in less than 14 days, the employee
16 shall provide such notice as is practicable.”.

17 (c) CERTIFICATION.—Section 103 of the Family and
18 Medical Leave Act of 1993 (29 U.S.C. 2613) is amended
19 by adding at the end the following:

20 “(f) CERTIFICATION FOR LEAVE TAKEN TO ATTEND
21 COURT PROCEEDINGS.—An employer may require that a
22 request for leave under subparagraph (E) of section
23 102(a)(1) be supported by a certification issued by a court
24 or prosecutor relating to the court proceeding for which
25 leave is taken. The employee shall provide, in a timely

1 manner, a copy of such certification to the employer. Any
2 notification of the court proceeding issued by the appro-
3 priate court or court personnel or prosecutor shall be suffi-
4 cient certification for purposes of this section. An em-
5 ployer shall not disclose any certification provided by the
6 employee pursuant to this subsection and shall maintain
7 confidential any information contained therein relating to
8 the nature of the court proceeding for which the employee
9 is taking leave.”.

10 (d) DEFINITIONS.—Section 101 of the Family and
11 Medical Leave Act of 1993 (29 U.S.C. 2611) is amend-
12 ed—

13 (1) in paragraph (18), by striking “; and” and
14 inserting a semicolon;

15 (2) in paragraph (19), by striking the period
16 and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(20) DOMESTIC VIOLENCE.—The term ‘domes-
19 tic violence’ has the meaning given such term in sec-
20 tion 40002(a)(6) of the Violence Against Women
21 Act of 1994 (42 U.S.C. 13925(a)(6)).”.

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