

108TH CONGRESS
2D SESSION

H. R. 3703

To protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2004

Mrs. MALONEY introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, 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 protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer.

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. NEGLIGENTLY ALLOWING GENDER-MOTIVATED**
2 **VIOLENCE.**

3 An employer—

4 (1) whose business is in or affects interstate or
5 foreign commerce; and

6 (2) whose negligent conduct results in a per-
7 son's (including a person who acts under color of
8 statute, ordinance, regulation, custom, or usage of
9 any State) committing a crime of violence motivated
10 by gender against another person on premises under
11 the control of the employer;

12 shall be liable to the party injured, in an action for the
13 recovery of compensatory and punitive damages, injunc-
14 tive and declaratory relief, and such other relief as a court
15 may deem appropriate.

16 **SEC. 2. DEFINITIONS.**

17 As used in this Act—

18 (1) the term “crime of violence motivated by
19 gender” means a crime of violence committed be-
20 cause of gender or on the basis of gender; and

21 (2) the term “crime of violence”—

22 (A) means an act or series of acts that
23 would constitute a crime, for which imprison-
24 ment of more than one year may be imposed,
25 against the person of another if that crime is

1 a crime of violence as defined in section 16 of
2 title 18, United States Code; and

3 (B) includes any conduct that would con-
4 stitute a crime described in subparagraph (A)
5 but for the relationship between the person en-
6 gaging in that conduct and the individual
7 against whom such conduct is directed.

8 **SEC. 3. LIMITATION AND PROCEDURE.**

9 (a) LIMITATION.—Nothing in this Act entitles a per-
10 son to a cause of action under section 1 for random acts
11 of violence unrelated to gender or for acts that cannot be
12 demonstrated, by a preponderance of the evidence, to be
13 motivated by gender.

14 (b) NO PRIOR CRIMINAL ACTION.—Nothing in this
15 section requires a prior criminal complaint, prosecution,
16 or conviction to establish the elements of a cause of action
17 under section 1.

18 (c) CONCURRENT JURISDICTION.—The Federal and
19 State courts shall have concurrent jurisdiction over actions
20 brought pursuant to this Act.

21 **SEC. 4. MATERIALS TO ASSIST EMPLOYERS.**

22 The Equal Employment Opportunity Commission
23 shall create and provide materials to employers regarding

- 1 personnel policies and safety standards to assist employers
- 2 in avoiding liability under this Act.

