

108TH CONGRESS  
1ST SESSION

# H. R. 394

To restore the Federal civil remedy for crimes of violence motivated by  
gender.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2003

Mr. CONYERS (for himself, Mrs. MALONEY, Ms. BALDWIN, Mr. BERMAN, Mr. BOUCHER, Mr. NADLER, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. DICKS, Mr. DOOLEY of California, Mr. ENGEL, Mr. ETHERIDGE, Mr. FARR, Mr. FILLNER, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KILDEE, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mrs. LOWEY, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. McNULTY, Mr. MENENDEZ, Ms. MILLENDER-McDONALD, Mr. GEORGE MILLER of California, Mr. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. OWENS, Mr. PALLONE, Mr. RANGEL, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. UDALL of New Mexico) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To restore the Federal civil remedy for crimes of violence  
motivated by gender.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Violence Against  
 5 Women Civil Rights Restoration Act of 2003”.

6       **SEC. 2. FEDERAL CIVIL REMEDY FOR CRIMES OF VIO-**  
 7               **LENCE MOTIVATED BY GENDER.**

8       Section 40302 of the Violence Against Women Act  
 9 of 1994 (42 U.S.C. 13981) is amended—

10           (1) so that subsection (c) reads as follows:

11           “(c) CAUSE OF ACTION.—

12               “(1) GENERALLY.—Whoever, in any cir-  
 13 cumstance described in paragraph (2), commits a  
 14 crime of violence motivated by gender and thus de-  
 15 prives another of the right declared in subsection (b)  
 16 shall be liable to the party injured, in an action for  
 17 the recovery of compensatory and punitive damages,  
 18 injunctive and declaratory relief, and such other re-  
 19 lief as a court may deem appropriate.

20               “(2) CIRCUMSTANCES.—The circumstances re-  
 21 ferred to in paragraph (1) are that—

22                   “(A) in connection with the offense—

23                       “(i) the defendant or the victim trav-  
 24 els in interstate or foreign commerce;

1 “(ii) the defendant or the victim uses  
2 a facility or instrumentality of interstate or  
3 foreign commerce; or

4 “(iii) the defendant employs a fire-  
5 arm, explosive, incendiary device, or other  
6 weapon, or a narcotic or drug listed pursu-  
7 ant to section 202 of the Controlled Sub-  
8 stances Act, or other noxious or dangerous  
9 substance, that has traveled in interstate  
10 or foreign commerce;

11 “(B) the offense interferes with commer-  
12 cial or other economic activity in which the vic-  
13 tim is engaged at the time of the conduct; or

14 “(C) the offense was committed with intent  
15 to interfere with the victim’s commercial or  
16 other economic activity.”; and

17 (2) by inserting after subsection (e) the fol-  
18 lowing:

19 “(f) DISCRETIONARY AUTHORITY OF ATTORNEY  
20 GENERAL.—Whenever the Attorney General has reason-  
21 able cause to believe that any State or political subdivision  
22 of a State, official, employee, or agent thereof, or other  
23 person acting on behalf of a State or political subdivision  
24 of a State has discriminated on the basis of gender in the  
25 investigation or prosecution of gender-based crimes and

1 that discrimination is pursuant to a pattern or practice  
2 of resistance to investigating or prosecuting gender-based  
3 crimes, the Attorney General, for or in the name of the  
4 United States, may institute a civil action in any appro-  
5 priate United States district court against such party for  
6 such equitable relief as may be appropriate to ensure the  
7 elimination of such discriminatory practices.”.

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