

111TH CONGRESS
2D SESSION

H. R. 4885

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, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2010

Mrs. MALONEY introduced the following bill; which was referred to the Committee on Education and Labor, 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

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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.

