

114TH CONGRESS
2D SESSION

H. R. 4532

To provide for a safe harbor for reports to potential employers by current or former employers of violent behavior or threats thereof by employees.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2016

Mr. GOODLATTE (for himself, Mr. KLINE, Mr. CHABOT, Mr. HURT of Virginia, Mr. GRIFFITH, and Mr. PETERSON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for a safe harbor for reports to potential employers by current or former employers of violent behavior or threats thereof by employees.

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 “Safe Harbor for Re-
5 porting Violent Behavior Act of 2016”.

1 **SEC. 2. SAFE HARBOR FROM LIABILITY FOR REPORTS OF**
2 **VIOLENT BEHAVIOR.**

3 (a) SAFE HARBOR FOR EMPLOYER REPORTS OF VIO-
4 LENT BEHAVIOR OR THREATENED VIOLENT BEHAV-
5 IOR.—

6 (1) IN GENERAL.—Any employer who, in good
7 faith and based on objectively reasonable suspicion,
8 makes, or causes to be made, a voluntary report
9 about violent behavior, or threatened violent behav-
10 ior, by an employee or former employee to a poten-
11 tial employer of that employee shall be immune from
12 civil liability under Federal, State, and local law for
13 such report.

14 (2) FALSE REPORTS.—Paragraph (1) shall not
15 apply to any report if it is shown by clear and con-
16 vincing evidence that the employer knew such report
17 to be false or that such report was made with reck-
18 less disregard for the truth at the time that em-
19 ployer made such report.

20 (b) SAFE HARBOR FOR RESPONSE.—Any potential
21 employer who observes or receives a report from an em-
22 ployer acting pursuant to subsection (a) about violent be-
23 havior, or threatened violent behavior, of an employee or
24 potential employee and takes reasonable action in good
25 faith to respond to such activity shall be immune from

1 civil liability under Federal, State, and local law for such
2 action.

3 (c) SAVINGS CLAUSE.—Nothing in this Act shall af-
4 fect the ability of any employer to assert any defense,
5 privilege, or immunity that would otherwise be available
6 under Federal, State, or local law or regulations, or com-
7 mon law, and this Act shall not be construed as affecting
8 any such defense, privilege, or immunity.

9 (d) RULE OF CONSTRUCTION.—Nothing in this Act
10 shall be construed to create any duty of any employer to
11 disclose violent behavior, or threatened violent behavior,
12 or to preclude an employer from disclosing any such be-
13 havior, or other behavior.

14 (e) ATTORNEY FEES AND COSTS.—Any employer
15 who is immune from civil liability under this section shall
16 be entitled to recover from the plaintiff all reasonable costs
17 and attorney fees.

18 (f) DEFINITION.—In this section—

19 (1) the term “employer” includes any individual
20 agent or representative of that employer; and

21 (2) the term “violent behavior, or threatened
22 violent behavior” means battery, assault, threats of
23 violence, physical fighting, physical intimidation, and
24 other violent conduct, or a threat of such conduct,

- 1 that a reasonable person would consider to pose a
- 2 threat of physical injury to any person.

