

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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

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## 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, and for other purposes.

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.

