

106TH CONGRESS  
1ST SESSION

# H. R. 3106

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.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 1999

Mrs. MALONEY of New York 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

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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.

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. SHORT TITLE.**

2 This Act may be cited as the “Employer Liability for  
3 Gender-Related Violence Act of 1999”.

4 **SEC. 2. NEGLIGENTLY ALLOWING GENDER-MOTIVATED**  
5 **VIOLENCE.**

6 (a) CAUSE OF ACTION.—An employer—

7 (1) whose business is in or affects interstate or  
8 foreign commerce; and

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

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

19 (b) DEFINITIONS.—For the purposes of this Act—

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

23 (2) the term “crime of violence”—

24 (A) means an act or series of acts that  
25 would constitute a crime, for which imprison-  
26 ment of more than one year may be imposed,

1           against the person of another if that crime is  
2           a crime of violence as defined in section 16 of  
3           title 18, United States Code; and

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

9           (c) LIMITATION AND PROCEDURES.—

10                   (1) LIMITATION.—Nothing in this section enti-  
11           tles a person to a cause of action under subsection  
12           (a) for random acts of violence unrelated to gender  
13           or for acts that cannot be demonstrated, by a pre-  
14           ponderance of the evidence, to be motivated by gen-  
15           der.

16                   (2) NO PRIOR CRIMINAL ACTION.—Nothing in  
17           this section requires a prior criminal complaint,  
18           prosecution, or conviction to establish the elements  
19           of a cause of action under subsection (a).

20                   (3) CONCURRENT JURISDICTION.—The Federal  
21           and State courts shall have concurrent jurisdiction  
22           over actions brought pursuant to this Act.

23           (d) MATERIALS TO ASSIST EMPLOYERS.—The Equal  
24           Employment Opportunity Commission shall create and  
25           provide materials to employers regarding personnel poli-

- 1 cies and safety standards to assist employers in avoiding
- 2 liability under this section.

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