

112TH CONGRESS
2D SESSION

H. R. 6198

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

JULY 25, 2012

Mrs. MALONEY (for herself and Mr. KUCINICH) 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

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. SHORT TITLE.**

2 This Act may be cited as the “Give Workplace Gen-
3 der Violence Victims Their Day in Court Act of 2012”.

4 **SEC. 2. NEGLIGENTLY ALLOWING GENDER-MOTIVATED VI-**
5 **OLENCE.**

6 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 **SEC. 3. DEFINITIONS.**

20 As used in this Act—

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

24 (2) the term “crime of violence”—

25 (A) means an act or series of acts that
26 would constitute a crime, for which imprison-

1 ment of more than one year may be imposed,
2 against the person of another if that crime is
3 a crime of violence as defined in section 16 of
4 title 18, United States Code; and

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

10 **SEC. 4. LIMITATION AND PROCEDURE.**

11 (a) **LIMITATION.**—Nothing in this Act entitles a per-
12 son to a cause of action under section 1 for random acts
13 of violence unrelated to gender or for acts that cannot be
14 demonstrated, by a preponderance of the evidence, to be
15 motivated by gender.

16 (b) **NO PRIOR CRIMINAL ACTION.**—Nothing in this
17 section requires a prior criminal complaint, prosecution,
18 or conviction to establish the elements of a cause of action
19 under section 1.

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

23 **SEC. 5. MATERIALS TO ASSIST EMPLOYERS.**

24 The Equal Employment Opportunity Commission
25 shall create and provide materials to employers regarding

- 1 personnel policies and safety standards to assist employers
- 2 in avoiding liability under this Act.

