

SB0243



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0243

Introduced 1/31/2023, by Sen. Karina Villa

SYNOPSIS AS INTRODUCED:

740 ILCS 82/5
740 ILCS 82/11 new
740 ILCS 82/20
740 ILCS 82/25 new

Amends the Gender Violence Act. Defines "employee", "employer", "work environment", and "workplace". Changes the definition of "gender-related violence" to include domestic violence. Provides that an employer shall be liable only for gender-related violence committed in the work environment by an employee or agent of the employer. Provides specific instances in which an employer is liable for gender-related violence. Provides that no person shall have the power to waive any provisions of the Act as part of a dissolution of marriage agreement, dissolution of civil union agreement, dissolution of domestic partnership agreement, or custody agreement. Makes corresponding changes.

LRB103 27514 LNS 53889 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Gender Violence Act is amended by changing
5 Sections 5 and 20 and by adding Sections 11 and 25 as follows:

6 (740 ILCS 82/5)

7 Sec. 5. Definitions ~~Definition~~. In this Act:7

8 "Employee" has the meaning provided in Section 2-101 of
9 the Illinois Human Rights Act.

10 "Employer" has the meaning provided in Section 2-101 of
11 the Illinois Human Rights Act.

12 "Gender-related ~~gender-related~~ violence", which is a form
13 of sex discrimination, means the following:

14 (1) One or more acts of violence or physical
15 aggression satisfying the elements of battery under the
16 laws of Illinois that are committed, at least in part, on
17 the basis of a person's sex, whether or not those acts have
18 resulted in criminal charges, prosecution, or conviction.

19 (2) A physical intrusion or physical invasion of a
20 sexual nature under coercive conditions satisfying the
21 elements of battery under the laws of Illinois, whether or
22 not the act or acts resulted in criminal charges,
23 prosecution, or conviction.

1 (2.5) Domestic violence, as defined in the Illinois
2 Domestic Violence Act of 1986.

3 (3) A threat of an act described in item (1), ~~or~~ (2),
4 or (2.5) causing a realistic apprehension that the
5 originator of the threat will commit the act.

6 "Work environment" means the employee's workplace and
7 employer's premises, including any building, real property,
8 and parking area under the control of the employer, or any
9 other location while used for an employer-sanctioned purpose.

10 "Workplace" means where an employee or agent of the
11 employer completes the work the employee or agent was hired to
12 perform or tasks incidental to the employee's or agent's
13 employment.

14 (Source: P.A. 93-416, eff. 1-1-04.)

15 (740 ILCS 82/11 new)

16 Sec. 11. Employer liability for an employee or agent. An
17 employer shall be liable only for gender-related violence
18 committed in the work environment by an employee or agent of
19 the employer. An employer shall be liable for gender-related
20 violence if the employer:

21 (1) failed to supervise, train, or monitor the
22 employee who engaged in the gender-related violence; or

23 (2) failed to investigate complaints or reports
24 directly provided to a supervisor, manager, owner, or
25 another person designated by the employer of similar

1 conduct by an employee or agent of the employer and the
2 employer failed to take remedial measures in response to
3 the complaints or reports.

4 (740 ILCS 82/20)

5 Sec. 20. Limitation. An action by an individual based on
6 gender-related violence as defined in paragraph (1), ~~or~~ (2),
7 or (2.5) of Section 5 or under Section 11 must be commenced
8 within 7 years after the cause of action accrued, except that
9 if the person entitled to bring the action was a minor at the
10 time the cause of action accrued, the action must be commenced
11 within 7 years after the person reaches the age of 18. An
12 action based on gender-related violence as defined in
13 paragraph (3) of Section 5 must be commenced within 2 years
14 after the cause of action accrued, except that if the person
15 entitled to bring the action was a minor at the time the cause
16 of action accrued, the action must be commenced within 2 years
17 after the person reaches the age of 18.

18 (Source: P.A. 93-416, eff. 1-1-04.)

19 (740 ILCS 82/25 new)

20 Sec. 25. No waiver. No person shall have the power to waive
21 any of the provisions of this Act as part of a dissolution of
22 marriage agreement, dissolution of civil union agreement,
23 dissolution of domestic partnership agreement, or custody
24 agreement. Any such purported waiver is considered against

1 public policy, void, and severable from an otherwise valid and
2 enforceable agreement.