

AMENDED IN ASSEMBLY APRIL 4, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1928

Introduced by Assembly Member Jackson

(Coauthors: Assembly Members Alquist, Aroner, Diaz, Dutra, Goldberg, Kehoe, Koretz, Liu, Longville, Maldonado, Pavley, Shelley, Steinberg, Strom-Martin, Thomson, Washington, and Wayne)

(Coauthors: Senators Alpert, Figueroa, Kuehl, and Romero)

February 12, 2002

An act to add Section 52.4 to the Civil Code, relating to gender violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1928, as amended, Jackson. Civil actions: gender-related violence.

Existing law sets forth various personal rights and provides that all persons within California have the right to be free from violence, or intimidation by the threat of violence because of, among other characteristics, their race, color, religion, ancestry, national origin, political affiliation, or sex. Existing law further permits an individual whose exercise or enjoyment of specified personal rights has been interfered with to bring a civil action for damages, including actual damages, exemplary damages, attorney's fees, injunctive relief, and other appropriate relief.

This bill would permit a person injured by a crime of violence motivated by gender to bring a civil action for damages against the responsible person or persons. The bill would provide that damages

may include actual damages, compensatory damages, punitive damages, injunctive relief, or a combination of those damages, including any other appropriate relief, in addition to attorney’s fees and costs. The bill would also provide that this action must be commenced within 10 years of the act or within 10 years after the victim reaches 18 years of age, whichever is later. *The bill would include a statement of legislative findings and declarations regarding gender-related violence.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *Existing state and federal laws do not adequately prevent*
4 *and remedy gender-related violence, such as domestic violence,*
5 *which disproportionately occurs against women.*

6 (b) *Sexual abuse harms many women, children, and families,*
7 *and is often not reported to the authorities or prosecuted.*

8 (c) *Acts of domestic violence and sexual abuse on the basis of*
9 *gender constitute a form of sexual discrimination.*

10 (d) *All persons within California have the right to be free from*
11 *crimes of violence motivated by gender.*

12 (e) *It is the purpose of this act to protect the civil rights of*
13 *victims of gender-motivated violence and thereby to promote the*
14 *public safety, health, and well-being of all persons within*
15 *California.*

16 SEC. 2. Section 52.4 is added to the Civil Code, to read:

17 52.4. (a) Any person who has been subjected to gender
18 violence may bring a civil action for damages against any
19 responsible party. The plaintiff may seek actual damages,
20 compensatory damages, punitive damages, injunctive relief, any
21 combination of those, or any other appropriate relief. A prevailing
22 plaintiff may also be awarded attorney’s fees and costs.

23 (b) An action brought pursuant to this section shall be
24 commenced within 10 years of the act or within 10 years after the
25 victim reaches 18 years of age, whichever is later.

26 (c) For purposes of this section, “gender violence,” is a form
27 of sex discrimination and means any of the following:



1 (1) One or more acts of violence or physical aggression
2 committed at least in part on the basis of sex, gender, or sexuality,
3 whether or not those acts have resulted in criminal complaints,
4 charges, prosecution, or conviction.

5 (2) A physical intrusion or physical invasion of a sexual nature
6 under coercive conditions, whether or not those acts have resulted
7 in criminal complaints, charges, prosecution, or conviction.

8 (3) A threat of any act described in paragraph (1) or (2) causing
9 realistic apprehension.

