

**ASSEMBLY BILL**

**No. 1933**

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**Introduced by Assembly Members Reyes and Cohn  
(Coauthor: Assembly Member Longville)**

February 12, 2002

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1933, as introduced, Reyes. 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 make findings and declarations regarding the effects of 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 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 by men.  
 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 to thereby promote  
 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) A person injured by a crime of violence motivated  
 18 by gender may bring a civil action for damages against the  
 19 responsible person or persons. Damages may include actual  
 20 damages, compensatory damages, punitive damages, injunctive  
 21 relief, or a combination of those damages, including any other  
 22 appropriate relief. A prevailing party may also be awarded  
 23 attorney’s fees and costs.  
 24 (b) For purposes of this section, the following terms apply:  
 25 (1) “Crime of violence motivated by gender” means a crime  
 26 of violence committed because of gender or on the basis of gender,  
 27 and due, at least in part, to hostility based on the victim’s gender.  
 28 (2) “Crime of violence” means:  
 29 (A) An act or series of acts that would constitute a felony  
 30 against the person or that would constitute a felony against  
 31 property if the conduct presents a serious risk of physical injury to  
 32 another, regardless of whether those acts have resulted in criminal  
 33 charges, prosecution, or conviction.  
 34 (B) An act or series of acts that would constitute a felony  
 35 described in subparagraph (A) but for the relationship between the



- 1 person who takes action and the individual against whom action
- 2 is taken.

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