

Assembly Bill No. 1933

CHAPTER 193

An act to add Section 1708.6 to the Civil Code, relating to domestic violence.

[Approved by Governor July 16, 2002. Filed with
Secretary of State July 17, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1933, Reyes. Domestic violence.

Existing law requires every person to abstain from injuring the person or property of another or from infringing upon the rights of another. Existing law also provides that a person who commits a sexual battery, as specified, is liable for damages, including, but not limited to general, special, and punitive damages.

This bill would also provide that a person who commits the tort of domestic violence, as specified, is liable for damages, including, but not limited to, general, special, and punitive damages. The bill would also set forth findings and declarations regarding its purposes.

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

SECTION 1. The Legislature finds and declares the following:

(a) Acts of violence occurring in a domestic context are increasingly widespread.

(b) These acts merit special consideration as torts, because the elements of trust, physical proximity, and emotional intimacy necessary to domestic relationships in a healthy society makes participants in those relationships particularly vulnerable to physical attack by their partners.

(c) It is the purpose of this act to enhance the civil remedies available to victims of domestic violence in order to underscore society's condemnation of these acts, to ensure complete recovery to victims, and to impose significant financial consequences upon perpetrators.

SEC. 2. Section 1708.6 is added to the Civil Code, to read:

1708.6. (a) A person is liable for the tort of domestic violence if the plaintiff proves both of the following elements:

(1) The infliction of injury upon the plaintiff resulting from abuse, as defined in subdivision (a) of Section 13700 of the Penal Code.

(2) The abuse was committed by the defendant, a person having a relationship with the plaintiff as defined in subdivision (b) of Section 13700 of the Penal Code.



(b) A person who commits an act of domestic violence upon another is liable to that person for damages, including, but not limited to, general damages, special damages, and punitive damages pursuant to Section 3294.

(c) The court, in an action pursuant to this section, may grant to a prevailing plaintiff equitable relief, an injunction, costs, and any other relief that the court deems proper, including reasonable attorney's fees.

(d) The rights and remedies provided in this section are in addition to any other rights and remedies provided by law.

(e) The time for commencement of an action under this section is governed by Section 340.15 of the Code of Civil Procedure.

