

AMENDED IN SENATE JUNE 23, 2015

AMENDED IN ASSEMBLY MAY 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 830**

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**Introduced by Assembly Member Eggman**

*(Coauthors: Senators Jackson, Leno, Monning, and Wieckowski)*

February 26, 2015

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An act to amend Section 52.4 ~~of of~~, and to add Section 52.45 to, the Civil Code, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 830, as amended, Eggman. Civil actions: gender violence.

Existing law allows a person who has been subjected to gender violence to bring a civil action for damages against any responsible party and defines gender violence for this purpose as a crime of violence motivated by the gender of the victim or a physical intrusion or invasion of a sexual nature, as specified. The Unruh Civil Rights Act prohibits discrimination based on a person's sex, race, religion, or sexual orientation, among others, and specifies that sex includes gender, which includes a person's gender identity and gender expression.

This bill, for the purposes of the former provision, would ~~expand the definition of gender violence to include violence committed at least in part based on the sexual orientation of the victim, as specified, and would~~ specify that gender has the same meaning as in the Unruh Civil Rights Act. *The bill would also allow a person who has been subject to sexual orientation violence, as defined, to bring a civil action for damages against any responsible party under provisions identical to those for gender 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. Section 52.4 of the Civil Code is amended to  
2 read:

3 52.4. (a) Any person who has been subjected to gender  
4 violence may bring a civil action for damages against any  
5 responsible party. The plaintiff may seek actual damages,  
6 compensatory damages, punitive damages, injunctive relief, any  
7 combination of those, or any other appropriate relief. A prevailing  
8 plaintiff may also be awarded attorney’s fees and costs.

9 (b) An action brought pursuant to this section shall be  
10 commenced within three years of the act, or if the victim was a  
11 minor when the act occurred, within eight years after the date the  
12 plaintiff attains the age of majority or within three years after the  
13 date the plaintiff discovers or reasonably should have discovered  
14 the psychological injury or illness occurring after the age of  
15 majority that was caused by the act, whichever date occurs later.

16 (c) For purposes of this section, “gender violence” is a form of  
17 sex discrimination and means either of the following:

18 (1) One or more acts that would constitute a criminal offense  
19 under state law that has as an element the use, attempted use, or  
20 threatened use of physical force against the person or property of  
21 another, committed at least in part based on the gender ~~or sexual~~  
22 ~~orientation~~ of the victim, whether or not those acts have resulted  
23 in criminal complaints, charges, prosecution, or conviction.

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

27 (d) For purposes of this section, “gender” has the meaning set  
28 forth in Section 51.

29 (e) Notwithstanding any other laws that may establish the  
30 liability of an employer for the acts of an employee, this section  
31 does not establish any civil liability of a person because of his or  
32 her status as an employer, unless the employer personally  
33 committed an act of gender violence.

34 *SEC. 2. Section 52.45 is added to the Civil Code, immediately*  
35 *following Section 52.4, to read:*

1 52.45. (a) Any person who has been subjected to sexual  
2 orientation violence may bring a civil action for damages against  
3 any responsible party. The plaintiff may seek actual damages,  
4 compensatory damages, punitive damages, injunctive relief, any  
5 combination of those, or any other appropriate relief. A prevailing  
6 plaintiff may also be awarded attorney's fees and costs.

7 (b) An action brought pursuant to this section shall be  
8 commenced within three years of the act, or if the victim was a  
9 minor when the act occurred, within eight years after the date the  
10 plaintiff attains the age of majority or within three years after the  
11 date the plaintiff discovers or reasonably should have discovered  
12 the psychological injury or illness occurring after the age of  
13 majority that was caused by the act, whichever date occurs later.

14 (c) For purposes of this section, "sexual orientation violence"  
15 means one or more acts that would constitute a criminal offense  
16 under state law that has as an element the use, attempted use, or  
17 threatened use of physical force against the person or property of  
18 another, committed at least in part based on the sexual orientation  
19 of the victim, whether or not those acts have resulted in criminal  
20 complaints, charges, prosecution, or conviction.

21 (d) Notwithstanding any other laws that may establish the  
22 liability of an employer for the acts of an employee, this section  
23 does not establish any civil liability of a person because of his or  
24 her status as an employer, unless the employer personally  
25 committed an act of sexual orientation violence.