

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 624 Session of
2007

INTRODUCED BY GREENLEAF, COSTA, BROWNE, BOSCOLA, FONTANA, STACK,
O'PAKE, TARTAGLIONE, KITCHEN, C. WILLIAMS AND WASHINGTON,
MARCH 21, 2007

REFERRED TO JUDICIARY, MARCH 21, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for action for
3 gender-motivated violence.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8320.1. Action for gender-motivated violence.

9 (a) Civil cause of action.--Except as otherwise provided in
10 subsection (b), a person claiming to be injured by an individual
11 who committed a crime of violence motivated by gender shall have
12 a cause of action against the individual for any or all of the
13 following relief:

14 (1) Compensatory and punitive damages.

15 (2) Injunctive and declaratory relief.

16 (3) Attorney fees and costs.

17 (4) Such other relief as the court may deem appropriate.

18 (b) Limitations.--

1 (1) Except as otherwise provided under paragraph (2), a
2 civil action under this section must be commenced within five
3 years after the alleged crime of violence motivated by gender
4 occurred or two years after the completion of a criminal
5 prosecution of the individual for the alleged crime of
6 violence motivated by gender, whichever is later.

7 (2) If, due to injury or disability resulting from an
8 act giving rise to a cause of action under this section or to
9 infancy, a person entitled to commence an action under this
10 section is unable to do so at the time the cause of action
11 accrues, the time within which the action must be commenced
12 shall be extended to five years after the inability to
13 commence the action ceases or two years after the completion
14 of a criminal prosecution of the individual for the alleged
15 crime of violence motivated by gender, whichever is later.

16 (c) Construction.--Nothing in this section shall be
17 construed:

18 (1) To require a prior criminal complaint, prosecution
19 or conviction to establish the elements of a cause of action
20 under subsection (a).

21 (2) To establish a cause of action for random acts of
22 violence unrelated to gender or for acts that cannot be
23 demonstrated, by a preponderance of the evidence, to be a
24 crime of violence motivated by gender.

25 (d) Burden of proof.--Conviction of a felony arising out of
26 the same transaction, occurrence or event which gives rise to a
27 cause of action under this section:

28 (1) Shall establish a rebuttable presumption that the
29 act did occur.

30 (2) Shall not establish a rebuttable presumption that

1 the act was a crime of violence motivated by gender, which
2 must be proven by a preponderance of the evidence.

3 (e) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection:

6 "Crime of violence." An act or series of acts that would
7 constitute a misdemeanor or felony against the person or against
8 property if the conduct presented a serious risk of physical
9 injury to another, regardless of whether the act or acts have
10 actually resulted in criminal charges, prosecution or
11 conviction.

12 "Crime of violence motivated by gender." A crime of violence
13 committed on the basis of a specific animus toward the victim's
14 gender.

15 Section 2. This act shall take effect in 60 days.