



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 480

Assembly Amendments 5 and 6

Memo published: March 5, 2010

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2009 Assembly Bill 480 creates a civil action for gender-based harm. Under the bill, a victim has a cause of action for injunctive relief and for damages against the person who commits a gender-based act that results in a physical injury, emotional distress, or damage to or loss of property to the victim.

The bill defines “gender-based act” as either of the following:

- An act that is committed, at least in part, on the basis of the victim’s gender.
- A physical intrusion or invasion of a sexual nature that the actor commits under coercive conditions.

Assembly Amendment 5 defines “gender-based act” to mean any of the following:

- A physical act of violence that satisfies the elements of the crime of simple battery that an individual commits against the victim, at least in part, on the basis of the victim’s gender.
- Sexual contact or sexual intercourse, as defined under current law, that an individual commits under coercive conditions or without consent.
- If an individual has previously committed a physical act of violence that satisfies the elements of battery against the victim or an act of sexual contact or sexual intercourse, as described above, a threat to commit either of the acts described above.

The amendment also provides that the civil cause of action created in the bill does not create a cause of action against any person except the individual who commits a gender-based act.

Assembly Amendment 6 provides that a gender-based act under the bill must be deemed for all purposes to be an intentional act.

Legislative History

Representative Berceau offered Assembly Amendments 5 and 6. On March 4, 2010, the Assembly adopted Assembly Amendments 5 and 6 on voice votes and passed Assembly Bill 480, as amended, on a voice vote.

AS:ksm