



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2009 Senate Bill 337**

**Senate  
Amendments 2 and 3**

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*Senate Bill 337* creates a civil cause of action for injunctive relief and for damages against a person who commits a gender-based act that results in physical injury, emotional distress, or damage to or loss of property to the victim. A “gender-based act” is defined to mean either of the following:

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

*Senate Amendment 2* expands the definition of a “gender-based act” to mean any of the following:

1. A physical act of violence committed, at least in part, on the basis of the victim’s gender where there is intent to cause bodily harm, bodily harm occurs, and there is no consent on the part of the victim.
2. Sexual contact or sexual intercourse that an individual commits under coercive conditions or without consent.
3. If an individual has previously committed either of the acts described in items 1 or 2, above, a threat to commit either of those acts.

Senate Amendment 2 also clarifies that the cause of action created in Senate Bill 337 may only proceed against the individual who commits a gender-based act.

*Senate Amendment 3* provides that a gender-based act will be deemed for all purposes an intentional act.

**Legislative History**

On March 2, 2010, the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing adopted Senate Amendments 2 and 3 and recommended passage of Senate Bill 337, as amended, all on votes of Ayes, 5; and Noes, 0.

RS:jal