



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2084/1
SWB:kms

2023 SENATE BILL 698

November 21, 2023 - Introduced by Senators AGARD, HESSELBEIN, L. JOHNSON, LARSON, PFAFF, SMITH, TAYLOR and WIRCH, cosponsored by Representatives HONG, C. ANDERSON, J. ANDERSON, CONLEY, CONSIDINE, DRAKE, EMERSON, JACOBSON, JOERS, MADISON, OHNSTAD, PALMERI, RATCLIFF, SHELTON, SINICKI, STUBBS and CLANCY. Referred to Committee on Judiciary and Public Safety.

AN ACT *to amend* 814.04 (intro.); and *to create* 893.583 and 895.437 of the statutes; **relating to:** creating a civil cause of action for acts of violence related to sex, gender, or sexuality.

Analysis by the Legislative Reference Bureau

This bill creates a civil cause of action for a person who has been subjected to sex discrimination, which the bill defines as 1) one or more acts of violence or physical aggression committed, at least in part, on the basis of sex, gender, or sexuality; 2) a physical intrusion or physical invasion of a sexual nature committed under coercive conditions; or 3) a threat of either of these types of acts.

Under the bill, a person must commence a civil action against the actor within seven years after the sex discrimination act occurs or, if the person bringing the action is under the age of 18 at the time the sex discrimination act occurs, within seven years after that person's 18th birthday. A person who brings a civil action for sex discrimination and prevails may recover damages, such as damages for emotional distress, punitive damages, and costs, including reasonable attorney fees and other costs of the investigation and litigation that were reasonably incurred.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 698**SECTION 1**

SECTION 1. 814.04 (intro.) of the statutes is amended to read:

814.04 Items of costs. (intro.) Except as provided in ss. 93.20, 100.195 (5m) (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 115.80 (9), 767.553 (4) (d), 769.313, 802.05, 814.245, 895.035 (4), 895.044, 895.437 (4), 895.443 (3), 895.444 (2), 895.445 (3), 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and 995.10 (3), when allowed costs shall be as follows:

SECTION 2. 893.583 of the statutes is created to read:

893.583 Gender violence. Notwithstanding ss. 893.16, 893.54, and 893.57, an action under s. 895.437 shall be commenced within 7 years after the cause of action accrues or, if the victim is under the age of 18 at the time the cause of action accrues, within 7 years of the victim's 18th birthday, or be barred.

SECTION 3. 895.437 of the statutes is created to read:

895.437 Gender violence; action for. (1) This section may be cited as the "Gender Violence Act."

(2) In this section:

(a) "Sex discrimination" means any of the following:

1. One or more acts of violence or physical aggression committed, at least in part, on the basis of sex, gender, or sexuality.

2. A physical intrusion or physical invasion of a sexual nature committed under coercive conditions.

3. A threat of an act described under subd. 1. or 2.

(b) "Sex, gender, or sexuality" includes:

1. Actual, perceived, or attributed sexual orientation.

SENATE BILL 698**SECTION 3**

2. Actual, perceived, or attributed gender identity.

3. Actual, perceived, or attributed sex or gender role conformity or nonconformity.

(3) Any person who has been subjected to sex discrimination may bring a civil action for damages, an injunction, or other appropriate relief against any person responsible for that discrimination.

(4) If the plaintiff prevails in a civil action under sub. (3), the court may award special and general damages, including damages for emotional distress; punitive damages; and costs, including all reasonable attorney fees and other costs of the investigation and litigation that were reasonably incurred.

(5) A person may bring a civil action under sub. (3) regardless of whether there has been a criminal action related to that sexual discrimination and regardless of the outcome of any such criminal action.

(6) This section does not limit the right of a person to recover from any parent or parents under s. 895.035.

SECTION 4. Initial applicability.

(1) This act first applies to a cause of action accruing on the effective date of this subsection.

(END)