

To: Members of the Wisconsin State Assembly
From: Tony Gibart, Policy Coordinator, Wisconsin Coalition Against Domestic Violence
Re: Assembly Bill 480—The Wisconsin Gender Violence Act (GVA)

Assembly Bill 480, the Wisconsin Gender Violence Act (GVA), is scheduled for a vote on Thursday, March 4th. Please support this important bill, which provides victims of gender-motivated violence the civil right to hold perpetrators accountable in court.

In 1994, as part of a bipartisan effort, Congress passed Title III of the Violence Against Women Act. Title III provided victims of gender violence the right to sue their perpetrators in civil court. At the time of its passage, Title III was recognized as a historic civil rights protection that responded to the fact that violence against women represents an economic burden on victims and a source of inequality in our country.

In 2000, the United State Supreme Court struck down Title III on states' rights grounds. However, the Court specifically mentioned that states could adopt similar laws individually. The Wisconsin Gender Violence Act re-establishes the civil right to hold perpetrators accountable in Wisconsin's state courts.

Gender violence is a financial burden to victims and the state.

- The CDC conservatively estimates that the health-related costs of domestic violence alone exceed \$5.8 billion per year in the U.S.
- The immediate health care and lost productivity related to violence against women alone cost our state approximately \$100 million per year.

Victims are unable to recover many of these costs under current laws, meaning victims and governments foot the bill. The GVA will make it easier for victims to hold perpetrators accountable.

- The GVA will contain a seven year statute of limitations, as opposed to the three year limit for intentional torts. Victims need time to undergo healing, counseling, and support before they can face their abuser in court. It is essential that victims have an adequate time period to recover from their assault before the statute of limitations expires.
Please, reject any amendments to lower the statute of limitations.
- Currently, there is a limited legal history of survivors suing rapists and batterers in civil court. This is a result of our society being relatively new to recognizing and responding to the realities of sexual assault and domestic violence. The GVA will provide a specific statutory cause of action that accurately describes the basis for the lawsuit, making it more likely that victims will be successful.

The GVA will direct lawsuits towards the individual who is morally and legally responsible—the perpetrator—and not a third party or “deep pocket.”

- Assembly Amendment 5 clarifies that a victim can only sue under the GVA if there has been physical violence. It also states the GVA does not create a right to sue anyone but the person who committed the violence. This amendment was introduced to address concerns of businesses.
- Rep. Berceau will offering an amendment on the floor that specifies that an act of gender violence should be considered an intentional act. The effect of the amendment will be to ensure the offender pays for the damages, not an insurance policy.¹

The Gender Violence Act Gets at the Root of Violence Against Women

- While both men and women can sue under the GVA, the legislation frames sexual assault and domestic violence in terms of the attitudes about gender that underlie this pattern of violence, which is typically directed against women.
- The GVA is a civil rights cause of action. It recognizes that violence that is directed at victims because of their gender has an impact beyond the individual victims. Violence against women is a source of inequality that affects all women, girls and society as a whole.

¹ With adoption of this amendment, the Wisconsin Insurance Alliance will remove its opposition to the bill.