



February 15, 2001

HOUSE BILL No. 1452

DIGEST OF HB 1452 (Updated February 14, 2001 9:01 AM - DI 96)

Citations Affected: IC 22-5.

Synopsis: Employment discrimination. Prohibits an employer from discriminating against an employee, with respect to compensation and benefits or terms and conditions of employment, solely because of: (1) the employee's allegation that the employee has been the victim of rape, criminal deviate conduct, sexual battery, or sexual misconduct with a minor, or has been subjected to sexual harassment; (2) the employee's status as a victim of rape, criminal deviate conduct, sexual battery, or sexual misconduct with a minor; or (3) the employee's filing of a charge or complaint of sexual harassment with any court or governmental entity. Provides that an employee may bring a civil action to enforce these prohibitions against discrimination. Provides that if an employer violates these prohibitions against discrimination, a court may enjoin further discrimination by the employer and may award actual damages, costs, and attorney's fees.

Effective: July 1, 2001.

Smith V, Lawson L, Murphy

January 11, 2001, read first time and referred to Committee on Labor and Employment.
February 14, 2001, amended, reported — Do Pass.

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HB 1452—LS 7265/DI 94+



February 15, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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HOUSE BILL No. 1452

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-5-6 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]:

4 **Chapter 6. Discrimination Against Victims of Rape, Criminal
5 Deviate Conduct, Sexual Battery, Sexual Misconduct With a
6 Minor, or Sexual Harassment**

7 **Sec. 1. An employer may not discriminate against an employee,
8 with respect to the employee's compensation and benefits or the
9 terms and conditions of employment, solely because of any of the
10 following:**

11 **(1) The employee's allegation that the employee is a victim of
12 rape (IC 35-42-4-1), criminal deviate conduct (IC 35-42-4-2),
13 sexual battery (IC 35-42-4-8), or sexual misconduct with a
14 minor (IC 35-42-4-9).**

15 **(2) The employee's status as a victim of rape (IC 35-42-4-1),
16 criminal deviate conduct (IC 35-42-4-2), sexual battery
17 (IC 35-42-4-8), or sexual misconduct with a minor**

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(IC 35-42-4-9).

(3) The employee's allegation that the employee has been subjected to sexual harassment.

(4) The filing by the employee in any court or with any federal, state, or local governmental entity of a charge or complaint of sexual harassment.

Sec. 2. (a) An employee may bring a civil action in a circuit or superior court against an employer to enforce section 1 of this chapter.

(b) If an employer violates section 1 of this chapter, a court may do any of the following:

(1) Award actual damages.

(2) Award court costs and reasonable attorney's fees.

(3) Enjoin further violation of this chapter.

Sec. 3. This chapter does not limit an employee's rights or remedies under any other state or federal law.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1452, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, after "Rape" insert ", **Criminal Deviate Conduct, Sexual Battery, Sexual Misconduct With a Minor,**".

Page 1, line 8, after "," insert "**solely**".

Page 1, line 11, delete "rape." and insert "**rape (IC 35-42-4-1), criminal deviate conduct (IC 35-42-4-2), sexual battery (IC 35-42-4-8), or sexual misconduct with a minor (IC 35-42-4-9).**".

Page 1, line 12, delete "rape." and insert "**rape (IC 35-42-4-1), criminal deviate conduct (IC 35-42-4-2), sexual battery (IC 35-42-4-8), or sexual misconduct with a minor (IC 35-42-4-9).**".

Page 2, line 8, delete "Award punitive damages."

Page 2, line 9, delete "(4)".

Page 2, run in lines 8 through 9.

and when so amended that said bill do pass.

(Reference is to HB 1452 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 13, nays 0.

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