



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2453

Introduced 2/4/2025, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

740 ILCS 82/5

Amends the Gender Violence Act. Provides that "gender-related violence" includes sexual contact between a sexual organ of one person and an intimate part of another person in which a "sexually protective device" has been intentionally removed by the defendant without the consent of the plaintiff or unintentionally removed but the defendant continues to engage in sexual conduct without getting the consent of the unaware plaintiff. Defines "sexually protective device" as any of the following that is intended to prevent pregnancy or sexually transmitted infection: internal or external condom; spermicide; diaphragm; cervical cap; contraceptive sponge; dental dam; or another physical device intended to prevent pregnancy or sexually transmitted infection.

LRB104 08188 JRC 18238 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Gender Violence Act is amended by changing
5 Section 5 as follows:

6 (740 ILCS 82/5)

7 Sec. 5. Definitions. In this Act:

8 "Employee" has the meaning provided in Section 2-101 of
9 the Illinois Human Rights Act.

10 "Employer" has the meaning provided in Section 2-101 of
11 the Illinois Human Rights Act.

12 "Gender-related violence", which is a form of sex
13 discrimination, means the following:

14 (1) One or more acts of violence or physical
15 aggression satisfying the elements of battery under the
16 laws of Illinois that are committed, at least in part, on
17 the basis of a person's sex, whether or not those acts have
18 resulted in criminal charges, prosecution, or conviction.

19 (2) A physical intrusion or physical invasion of a
20 sexual nature under coercive conditions satisfying the
21 elements of battery under the laws of Illinois, whether or
22 not the act or acts resulted in criminal charges,
23 prosecution, or conviction.

1 (2.1) Sexual contact between a sexual organ of one
2 person and the intimate part of another person if, before
3 sexual contact, both persons understood and agreed that a
4 sexually protective device would be used, and the
5 defendant removed the sexually protective device without
6 consent of the plaintiff, and they engaged or continued to
7 engage in sexual contact after removal.

8 (2.2) Sexual contact between a sexual organ of one
9 person and the intimate part of another person if, before
10 sexual contact, both persons understood and agreed that a
11 sexually protective device would be used, and they engaged
12 or continued to engage in sexual contact after the
13 defendant knew or became aware that the sexually
14 protective device had been unintentionally removed but did
15 not obtain consent from the plaintiff to engage or
16 continue engaging in sexual contact without the use of a
17 sexually protective device.

18 (2.5) Domestic violence, as defined in the Victims'
19 Economic Security and Safety Act.

20 (3) A threat of an act described in item (1), (2), or
21 (2.5) causing a realistic apprehension that the originator
22 of the threat will commit the act.

23 "Sexually protective device" means an internal or external
24 condom, spermicide, diaphragm, cervical cap, contraceptive
25 sponge, dental dam, or any other physical barrier device
26 intended to prevent pregnancy or sexually transmitted

1 infection. "Sexually protective device" does not include an
2 intrauterine device or any hormonal birth control method.

3 "Workplace" means the employer's premises, including any
4 building, real property, and parking area under the control of
5 the employer, or any location used by an employee while in the
6 performance of the employee's job duties. "Workplace" includes
7 activities occurring off-premises at employer-sponsored events
8 where an employee is not performing the employee's job duties.
9 (Source: P.A. 103-282, eff. 1-1-24.)