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Press Release

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Asm. Garcia, Asm. Low and Sen. Cortese Introduce Bills to Reform California's Archaic Spousal Rape Designation

(Sacramento)—Today, Assemblymember's Cristina Garcia (D-Bell Gardens) and Evan Low (D-Campbell) announced the introduction of AB 812, and Senator Dave Cortese introduced Senate Bill 530; both bills aim to bring California's rape statutes into parity by requiring the same standards for "spousal rape" that is currently in the penal code for rape. These bills will eliminate the "spousal rape exception" in the California Penal Code (Section 262) to ensure that "spousal rape" treats and punishes, as seriously as the rape of a non-spouse. Although marital rape is illegal in all 50 states, California is one of eleven states that distinguishes "spousal rape" from "rape."

While we rarely use the term "spousal rape" when discussing the crime of rape—the act is common. In fact, according to the [National Coalition Against Domestic Violence \(NCADV\)](#), between 10-14% of married women have been or may experience rape by their spouse. Additionally, 18% of these victims state their children have witnessed the rape.

Co-author and Chair of the Legislative Woman's Caucus Assemblywoman Cristina Garcia said, "The idea of "spousal rape" is antiquated. In California, we have long since decided that "No means No" and "Rape means rape. AB 812 is a simple bill that puts California's legal code in line with our social values." AB 812 joint author, Assemblymember Evan Low said of the legislation, "The relationship between a person who is raped and their attacker — whether they are strangers, friends, or even spouses—should not have any importance in the eyes of the law. Rape is rape. It's one of the most vicious crimes imaginable—we should prosecute it to the fullest extent of the law."

"For decades, California has treated the rape of a spouse differently than all other sexual assault. While the legal description of what constitutes "spousal rape" and non-spousal rape are the same, the penalties are not," says Senator Cortese, who has authored SB 530 in the State Senate. He added, "Attempts to equalize these heinous crimes in prior years has met with both progress and failure alike. Time has long since passed for California to declare that rape is rape."

Additional quotes:

Santa Clara County District Attorney, Jeff Rosen

No one ever says "I Do" to be raped. My office has tried enough rape cases to understand that RAPE is RAPE, wedding ring or not. The Spousal Rape Law will fix a historic and horrific defect in California's rape and sexual assault laws. All victims of rape deserve fair and dignified treatment. I strongly support the passage of AB 812 and SB 530."—Santa Clara District Attorney Jeff Rosen

San Francisco District Attorney, Chesa Boudin

"Our laws must protect everyone equally from being victims of rape or sexual assault, no matter who commits the crime," said San Francisco District Attorney Chesa Boudin. "I am proud to support this bill to implement this long-overdue change: ensuring that people who rape their spouse are accountable under the same laws as would apply in any other rape."

Dr. Michelle Dauber, Frederick I. Richman Professor of Law and Professor, Stanford University

"California's spousal rape law is a slap in the face to all women and sexual assault survivors, and it must go. It's time that California law recognizes that all rape is equally serious regardless of the relationship between the victim and the perpetrator. Rape is rape, period."

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The 58th Assembly District includes the cities of Montebello, Pico Rivera, Commerce, Bell Gardens, Downey, Norwalk, Bellflower, Cerritos, and Artesia.