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Press Release

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Asm. Garcia, Asm. Low, Women's Advocates, and Progressive Prosecutors Urge an Immediate Hearing for AB 812 to Modernize California's Archaic "Spousal Rape" Designation

Coalition declares "Rape is Rape" regardless of marital status, demands AB 812 be immediately heard

(Sacramento) — Today, Assemblymembers Cristina Garcia (D-Bell Gardens) and Evan Low (D-Silicon Valley), Kolieka Seigle of California NOW and a coalition of reform-minded California prosecutors — District Attorney Tori Verber Salazar (San Joaquin County), DA George Gascón (Los Angeles County), DA Chesa Boudin (County and City of San Francisco), and DA Jeff Rosen (Santa Clara County) — are calling for an immediate hearing in the Assembly Public Safety Committee on Assembly Bill (AB) 812, a progressive update of the state's outdated "spousal rape" statutes.

"Not providing AB 812 a hearing directly contradicts the urgency to modernize our penal code to be line with our values and make clear that no means no," said Assemblymember Cristina Garcia, bill author and Chair of the Legislative Women's Caucus. "Current spousal rape statutes say that in California, a marriage license allows a spouse to violate both the body and the dignity of a non-consenting spouse with minimal accountability."

Kolieka Seigle, the first African American President of California's chapter of the National Organization for Women (NOW), said immediate action is needed. "Rape is rape if you're a college student. Rape is rape if you're a woman of color. Rape is rape if you're a trans woman. And rape is rape whether you're married or not. Rape is always rape," Seigle said. "We demand a hearing on this bill now."

Since its founding in 1975, California NOW has led the charge to eliminate the state's spousal rape law. The organization is joined in its support for AB 812 by a large coalition of women's rights and victim service organizations, as well as a star-studded roster of elected leaders that includes Congressman Ro Khanna, Lt. Gov. Eleni Kounalakis, former U.S. Secretary of Labor and current Los Angeles County Supervisor Hilda Solis, and former Senate President Pro Tem and current Los Angeles City Councilmember Kevin de León, who have all rallied behind the bill.

Assemblymember Evan Low, a joint author of AB 812 and Chair of the Legislative LGBTQ Caucus, said: "AB 812 is a no-brainer. Updating an outdated, 50-year-old rape code to ensure spouses have the same accountability for rape as non-spouses just makes sense. I urge that the bill be scheduled for a hearing immediately. This is an urgent issue for victims."

In addition to Assemblymembers Garcia and Low, AB 812 has more than a dozen co-authors in the Assembly.

California is one of a small handful of states that continue to distinguish spousal rape from rape. Under current California law, spousal rape is a separate and less serious crime. AB 812 would eliminate this distinction.

San Francisco DA Chesa Boudin, a leading criminal justice reformer, strongly backs AB 812. “It is urgent that we repeal the spousal rape exception and treat all rape equally regardless of marital status,” Boudin said. “This unjust law sends the message that sexual assault and domestic violence are not serious crimes, which could cause some victims not to report these offenses. Every day we see the terrible toll of domestic abuse on survivors, on families, and on society at large. Abusers must be held accountable.”

San Joaquin County DA Tori Verber Salazar said, “There is a simple concept here and that is rape is rape. It doesn't matter if the person committing the crime is married to the victim or not. The crime is still violent and most often leaves victims with life-long trauma. AB 812 needs to be heard because victims of rape don't deserve to have to wait even one day longer for justice.”

Spousal rape is a frequent part of domestic abuse. 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 said that their children witnessed the rape.

Additional quotes:

Los Angeles County District Attorney George Gascón

“Our laws should protect all victims of rape equally, regardless of whether the crime was committed by a spouse. I support this bill because it pushes California to provide equal justice for all rape victims. It is long overdue for our state to join the rest of the nation in doing so.”

Santa Clara County District Attorney Jeff Rosen

“The truth is no one ever says ‘I Do’ to rape. My office has tried enough rape cases to understand that RAPE is RAPE, wedding ring or not. The Spousal Rape Law aims to 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 urge a hearing for AB 812 as soon as possible.”

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