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Press Release

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Assemblymember Garcia's Spousal Rape Bill (AB 1171) Signed by the Governor

(Sacramento)—Today, California Governor Newsom signed AB 1171 that modernizes California's spousal rape law. A strong coalition of woman's justice advocates and reform minded prosecutors joined bill author and Chair of Legislative Woman's Caucus Assemblymember Cristina Garcia (D- Bell Gardens) in celebrating the signature, "From the beginning of our efforts, we have been clear that rape is rape. And a marriage license is not an excuse for committing one of society's most violent and sadistic crimes. AB 1171 will mandate adherence to a law that will protect vulnerable spouses in a union," said Assemblymember Garcia.

The bill has been supported by instrumental advocates Michele Dauber and the Enough Is Enough Voter Project, California National Organization for Women, Feminist Majority, Lieutenant Governor Eleni Kounalakis and several California District Attorneys including Los Angeles County DA, George Gascon, San Joaquin County DA, Tori Verber Salazar, San Francisco District Attorney Chesa Boudin, Contra Costa County DA, Diane Bectin, and Santa Clara County DA, Jeff Rosen.

AB 1171, will bring parity to California's rape statutes by requiring the same standards for "spousal rape" that is currently in the penal code for rape. The bill eliminates the "spousal rape exception" in the California Penal Code (Section 262) to ensure that "spousal rape" is treated and punished, as seriously as the rape of a non-spouse. Although "spousal rape" is illegal in all 50 states, California is one of nine states that distinguishes "spousal rape" from "rape." Idaho and Ohio have recently passed Spousal Rape reform bills.

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.

"We've made substantial progress over the last several years in raising awareness about sexual violence thanks to the #MeToo movement and the bravery of so many women who have come forward to publicly confront their attackers," said Assemblymember Evan Low (D-Silicon Valley), Chair of the California Legislative LGBTQ Caucus and joint author on this bill. "However, we know many people are still suffering in the shadows, especially those who are being abused by their spouses. Rape is rape, regardless of marital status, and I could not be prouder to stand with Assemblymember Cristina Garcia and our passionate AB 1171 advocates Michele Dauber, Kolioka Siegle and District Attorney Jeff Rosen. I also want to thank Gov. Newsom for his allyship in signing this bill into law as we work to create a safer and more just society."

“AB 1171 will give victims of rape, irrespective of marital status, hope that crimes committed against them will be justly punished. Rape is rape, and we must continue to fight for our survivors, regardless of who victimized them,” said San Joaquin District Attorney Verber Salazar.

“This bill will ensure that our laws protect all victims and survivors of sexual abuse and that rape committed against a spouse is treated just as seriously under the law as rape against any other victim and survivor,” said San Francisco District Attorney Chesa Boudin. “I support AB 1171 to bring about necessary protections for domestic violence victims and survivors who suffer sexual abuse and hold those who commit spousal rape accountable.”

“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,” said Los Angeles County District Attorney George Gascón.

“This legislation is an important step toward the elimination of any distinction between rape and spousal rape. No one says, “I do” to rape,” said Santa Clara County District Attorney Jeff Rosen.

“I want to thank Governor Newsom for signing AB 1171 and righting this wrong,” said Lieutenant Governor Eleni Kounalakis. “Survivors can now rest assured that marital rape will be treated just as seriously as any other form of rape under California law.”

“Rape is rape, regardless of the relationship between the rapist and a victim,” says co-author Senator Dave Cortese (D-San Jose). “The idea that marital rape should be punished less severely is absurd and this legal loophole can’t continue to be ignored.” He added, “We must put a swift end to this archaic distinction once and for all. This bill is not only about leveling the law, it is about preventing this type of sexual abuse from occurring and promoting safety and respect for all.”

“We are pleased that Governor Newsom has signed AB 1171 into law. This is an historic victory for our grassroots movement of survivors and advocates across the state, thousands of whom demanded the repeal of the spousal rape exception. There is still more to do, and Enough is Enough will continue to fight until every survivor is protected,” said Stanford Law Professor Michele Dauber, who leads Enough is Enough Voter Project.

“This bill to remove the spousal rape exception is supported by a broad coalition of women's organizations, criminal justice reformers, labor organizations, survivors, elected officials, and activists across the state. We urge Governor Newsom to stand with survivors and sign this bill as soon as possible,” said Kolieka Seigle, President of California National Organization for Women.

“The first question a rape victim is asked should not be whether or not they are married. Rape is rape,” concluded Garcia.

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