

1 [Supporting California State Assembly Bill No. 1171 (Garcia) - The Repeal of the
2 Spousal Rape Exception Act]

3 **Resolution supporting California State Assembly Bill No. 1171, The Repeal of the**
4 **Spousal Rape Exception Act, authored by State Assembly Member Cristina**
5 **Garcia, which would eliminate the “spousal rape exception” in the California**
6 **Penal Code (Section 262) to ensure that “spousal rape” is treated and punished**
7 **as seriously as rape of a non-spouse.**

8
9 WHEREAS, California is one of 11 states that distinguish between spousal rape
10 and other forms of sexual assault; and

11 WHEREAS, Under existing law, those convicted of spousal rape may be eligible
12 for probation instead of prison or jail, unlike individuals who are convicted for other
13 forms of sexual assault; and

14 WHEREAS, Although anyone convicted of rape is required to register as a sex
15 offender, those convicted of spousal rape must register only if the act involved the use
16 of force or violence that led to a prison sentence; and

17 WHEREAS, A person accused of raping an unconscious person is not able to
18 plea bargain, however, if the person accused is married to the unconscious person, they
19 may be able to plea bargain; and

20 WHEREAS, According to the National Coalition Against Domestic Violence
21 (NCADV), between 10-14% of married women have been or may experience rape by
22 their spouse; and

23 WHEREAS, State Assembly Bill No. 1171, The Repeal of the Spousal Rape
24 Exception Act, authored by State Assembly Member Cristina Garcia and co-sponsored
25 by California State Senator Dave Cortese, would eliminate the “spousal rape exception”

1 in the California Penal Code (Section 262) to ensure that “spousal rape” is treated and
2 punished as seriously as rape of a non-spouse; and

3 WHEREAS, The “spousal rape exception” is an antiquated law and effectively
4 allows an abuser to violate their non-consenting spouse with minimal accountability; and

5 WHEREAS, Repealing the “spousal rape exception” would ensure that all
6 abusers would be held accountable regardless of marital status; and

7 WHEREAS, Eliminating the distinction between spousal rape and other forms of
8 sexual assault is an urgent matter for victims in their pursuit of justice; and

9 WHEREAS, The San Francisco Board of Supervisors affirmed their support for
10 an earlier version of this bill, Assembly Bill No. 812, through Resolution No. 244-21;
11 now, therefore, be it

12 RESOLVED, That the San Francisco Board of Supervisors supports Assembly
13 Bill No. 1171, The Repeal of the Spousal Rape Exception Act, which would eliminate
14 the “spousal rape exception” in the California Penal Code (Section 262) to ensure that
15 “spousal rape” is treated and punished as seriously as rape of a non-spouse; and, be it

16 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall transmit
17 a copy of this Resolution to the Governor, the author of the Bill, and all members of the
18 Legislature representing the City and County of San Francisco.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 210745

Date Passed: June 29, 2021

Resolution supporting California State Assembly Bill No. 1171, The Repeal of the Spousal Rape Exception Act, authored by State Assembly Member Cristina Garcia, which would eliminate the "spousal rape exception" in the California Penal Code (Section 262) to ensure that "spousal rape" is treated and punished as seriously as rape of a non-spouse.

June 29, 2021 Board of Supervisors - ADOPTED

Ayes: 10 - Chan, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton
Excused: 1 - Haney

File No. 210745

I hereby certify that the foregoing Resolution was **ADOPTED** on 6/29/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

07/09/2021

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

07/09/2021

Date