

1 [Supporting California State Assembly Bill No. 812 (Garcia) - The Repeal of the Spousal Rape  
2 Exception Act]

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3 **Resolution supporting California State Assembly Bill No. 812, The Repeal of the**  
4 **Spousal Rape Exception Act, authored by State Assembly Member Cristina Garcia,**  
5 **which would eliminate the “spousal rape exception” in the California Penal Code**  
6 **(Section 262) to ensure that “spousal rape” is treated and punished as seriously as**  
7 **rape of a non-spouse.**

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

11 WHEREAS, Under existing law, those convicted of spousal rape may be eligible for  
12 probation instead of prison or jail, unlike individuals who are convicted for other forms of  
13 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 of force  
16 or violence that led to a prison sentence; and

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

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

22 WHEREAS, State Assembly Bill No. 812, The Repeal of the Spousal Rape Exception  
23 Act, authored by State Assembly Member Cristina Garcia, would eliminate the “spousal rape  
24 exception” in the California Penal Code (Section 262) to ensure that “spousal rape” is treated  
25 and punished as seriously as rape of a non-spouse; and

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

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

5           WHEREAS, Eliminating the distinction between spousal rape and other forms of sexual  
6 assault is an urgent matter for victims in their pursuit of justice; now, therefore, be it

7           RESOLVED, That the San Francisco Board of Supervisors supports Assembly Bill No.  
8 812, The Repeal of the Spousal Rape Exception Act, which would eliminate the “spousal rape  
9 exception” in the California Penal Code (Section 262) to ensure that “spousal rape” is treated  
10 and punished as seriously as rape of a non-spouse; and, be it

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

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