

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

July 23, 2021

The Honorable Gavin Newsom  
Governor of the State of California  
1303-10th Street, Suite 1173  
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 332-21

Dear Governor Newsom:

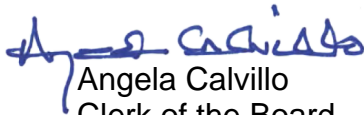
On June 29, 2021, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 332-21 (Supporting California State Assembly Bill No. 1171 (Garcia) - The Repeal of the Spousal Rape Exception Act), which was enacted on July 9, 2021.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 332-21 (File No. 210745)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org).

Sincerely,

  
Angela Calvillo  
Clerk of the Board

jw:ll:ams

- c. Members of the Board of Supervisors, Supervisors Catherine Stefani, Shamann Walton, Rafael Mandelman  
Ahsha Safai  
Sophia Kittler, Mayor's Liaison to the Board of Supervisors  
Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs  
Andres Power, Mayor's Policy Director  
Rebecca Peacock, Mayor's Office  
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

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.**

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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

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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  
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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  
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23 WHEREAS, State Assembly Bill No. 1171, The Repeal of the Spousal Rape  
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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  
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14 the “spousal rape exception” in the California Penal Code (Section 262) to ensure that  
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16 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall transmit  
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# City and County of San Francisco

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San Francisco, CA 94102-4689

## Tails Resolution

**File Number:** 210745

**Date Passed:** June 29, 2021

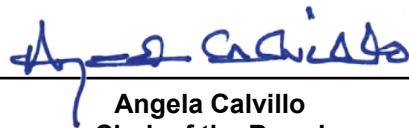
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June 29, 2021 Board of Supervisors - ADOPTED

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

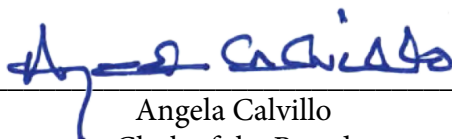
Unsigned

\_\_\_\_\_  
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.



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Angela Calvillo  
Clerk of the Board

07/09/2021

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July 23, 2021

The Honorable Cristina Garcia  
California State Assembly Member  
California State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0058

Re: Board of Supervisors Resolution No. 332-21

Dear Assembly Member Garcia:

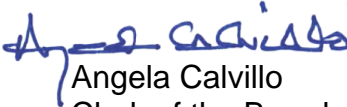
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jw:ll:ams

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Ahsha Safai  
Tiffany Zurilgen Ryan, Assembly Member Garcia's Legislative Director  
Sophia Kittler, Mayor's Liaison to the Board of Supervisors  
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# City and County of San Francisco

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## Tails Resolution

**File Number:** 210745

**Date Passed:** June 29, 2021

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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

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Date Approved

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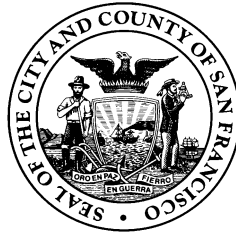
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TDD/TTY No. (415) 554-5227

July 23, 2021

The Honorable Scott Wiener  
California State Senator  
California State Capitol, Room 5100  
Sacramento, CA 95814-4900

Re: Board of Supervisors Resolution No. 332-21

Dear Senator Wiener:


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Sincerely,

  
Angela Calvillo  
Clerk of the Board

jw:ll:ams

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Ahsha Safai  
Sophia Kittler, Mayor's Liaison to the Board of Supervisors  
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9 WHEREAS, The San Francisco Board of Supervisors affirmed their support for  
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June 29, 2021 Board of Supervisors - ADOPTED

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Excused: 1 - Haney

File No. 210745

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Angela Calvillo  
Clerk of the Board

Unsigned

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London N. Breed  
Mayor

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07/09/2021

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July 23, 2021

The Honorable David Chiu  
California State Assembly Member  
California State Capitol, Room 4112  
P.O. Box 942849  
Sacramento, CA 94249-0017

Re: Board of Supervisors Resolution No. 332-21

Dear Assembly Member Chiu:

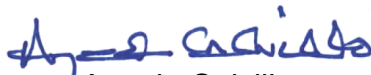
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Clerk of the Board

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California State Capitol, Room 6026  
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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