

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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City and County of San Francisco

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

Tails
Resolution

File Number: 210550

Date Passed: May 18, 2021

Resolution supporting California State Assembly Bill No. 812, 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.

May 18, 2021 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210550

I hereby certify that the foregoing Resolution was ADOPTED on 5/18/2021 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

05/28/2021

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.

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board

05/28/2021

Date