

# California Legislature



KATCHO ACHADJIAN  
Assembly Member, 35<sup>th</sup> District

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## **Assemblyman Achadjian Responds to Ruling Voiding Rape Conviction, Will Reintroduce Proposal to Protect All Rape Victims** *Legislation Will Ensure Justice Is Upheld for Unmarried Victims of Rape*

SACRAMENTO – Responding to a troubling ruling this week by the State Court of Appeals invalidating a rape conviction, Assemblyman Katcho Achadjian, of San Luis Obispo today announced that he will reintroduce legislation to close this loophole and expand the definition of rape to include cases where a perpetrator deceives a victim into sexual activity by impersonating the person’s boyfriend or girlfriend.

“Californians are justifiably outraged by this court ruling, and it is important that the Legislature join together to close whatever loopholes may exist in the law and uphold justice for rape victims,” said Achadjian. “Passing this legislation is my top legislative priority, and it is my hope that our coalition of crime victim advocates and law enforcement can convince my colleagues to pass this essential public safety measure without delay.”

This week, the Court of Appeals ruled in a February 2009 case in Los Angeles County where a woman, her boyfriend, her brother and his friends returned to the woman’s house after a party. The woman and her non live-in boyfriend went to bed, but did not have sex, and later the woman fell asleep. After the boyfriend left, one of her brother’s friends entered her bedroom and started having sex with her. When she woke up and realized he was not her boyfriend, she began to scream and resist. The Court this week overturned the initial conviction, ruling that a person who impersonates someone is guilty of rape only if the victim was married and the person was pretending to be their spouse.

Last year, Achadjian introduced Assembly Bill 765 in response to another case in Santa Barbara County, in which the accused broke into the home of a female victim and instigated sexual activity with her while she was asleep in her bedroom. At first, the victim assumed that the attacker was her live-in boyfriend and consented to sex. Upon realizing that the attacker was not her boyfriend, the woman resisted and her attacker fled. Frustrated with her inability to prosecute that attacker for felony rape, Santa Barbara County District Attorney Joyce E. Dudley turned to Assemblyman Achadjian for help. The measure won unanimous State Assembly approval, but was held in the Senate Public Safety Committee.

Achadjian will reintroduce the legislation early next week and plans to expand the legislation to include cases where the boyfriend or girlfriend did not live together.

“The Appeals Court this week said that that there was a ‘historical anomaly’ in state law when it came to the definition of rape. Californians know that rape is rape, regardless of who the perpetrator is”, said Santa Barbara District Attorney, Joyce E. Dudley. "It is imperative that we now change the law to prevent a grave injustice for future rape victims. All of us in public safety deeply appreciate the extraordinary efforts made on the part of Assemblyman Achadjian to seek this minor change in the law that will have a tremendous effect on future victims."

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*Assemblyman Achadjian proudly represents all of San Luis Obispo County and part of Santa Barbara County, including the cities of Arroyo Grande, Atascadero, Paso Robles, Grover Beach, Guadalupe, Lompoc, Morro Bay, Pismo Beach, San Luis Obispo, Santa Maria and surrounding communities.*