

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA

JOYCE E. DUDLEY
District Attorney



DA 09-194

RELEASE NUMBER

September 9, 2013

RELEASE DATE

Joyce E. Dudley

APPROVED BY JOYCE E. DUDLEY, DISTRICT ATTORNEY

Joyce E. Dudley, District Attorney

CONTACT (805) 568-2308

***** PRESS RELEASE *****

Governor Brown Signs Bill to Close Rape Loophole

*Measure First Spearheaded in 2011 by District Attorney Joyce E. Dudley
Will Protect All Victims of Rape Regardless of Marital Status*

Today, Governor Brown announced that he has signed Assembly Bill 65, by Assembly Members Katcho Achadjian (San Luis Obispo) and Bonnie Lowenthal (Long Beach). Governor Brown's approval comes on the heels of unanimous votes in both houses of the Legislature.

The bill will bring parity to statutes relating to rape by clarifying that an attacker who coerces a victim into sexual activity by impersonating somebody else can be prosecuted for felony rape. AB 65 is modeled after similar legislation in Idaho and has been drafted specifically to ensure that its provisions cover the myriad types of relationships that exist in modern society.

District Attorney Dudley spearheaded this legal change when she first brought the issue to Assemblyman Achadjian in 2011. Dudley remarked, "I am grateful to Governor Brown, Assembly Member Achadjian, and the entire California Legislature for coming together to close this loophole. I am extremely thankful for the unflinching efforts of Assembly Member Achadjian to ensure this bill would pass. While nothing can undo what was done to her, I have let Courtney know that her story inspired the Legislature to act, and that because of her bravery, we will be able to deliver justice to victims in the future."

"Today's action by the Governor concludes a nearly three year effort to close this outdated and unconscionable loophole that has denied victims the justice that they deserve. While Assembly Bill 65 cannot undo what was done to the victims in the Santa Barbara and Los Angeles County cases, it is my hope that knowing that future victims will be protected will bring them a small amount of comfort," stated Assemblyman Achadjian. "I am especially grateful to Santa Barbara County District Attorney Joyce Dudley whose persistence on this issue was crucial to getting this measure approved," Achadjian continued.

"Every victim deserves justice, regardless of their relationship status," said Lowenthal, Chair of the Legislative Women's Caucus. "I'm proud of the work we've done to make sure that California will now provide just that."

SANTA BARBARA OFFICE
1112 Santa Barbara Street
Santa Barbara, CA 93101
(805) 568-2300
Fax (805) 568-2453

SANTA MARIA OFFICE
312-D East Cook Street
Santa Maria, CA 93454
(805) 346-7540
Fax (805) 346-7588

LOMPOC OFFICE
115 Civic Center Plaza
Lompoc, CA 93436
(805) 737-7760
Fax (805) 737-7732

In 2011, Achadjian introduced AB 765 which would have extended the definition of felony rape to cases where an attacker coerced a victim into sexual activity by impersonation a co-habitant (live-in boyfriend or girlfriend). AB 765 was inspired by a case in Santa Barbara County in which the accused broke into the home of a female victim who had been sleeping. The perpetrator instigated sexual activity with the victim who believed that he was her boyfriend. Although the suspect was caught, the Santa Barbara County District Attorney could not prosecute him for felony rape simply due to the fact that the victim lived with her boyfriend rather than with her husband. Despite receiving unanimous support in the State Assembly, AB 765 was held in the Senate Public Safety Committee.

A recent State Court of Appeals overturned a rape conviction in a similar Los Angeles County case. In its ruling, the Court stated that the victim had not been raped because she was unmarried and the attacker had impersonated her boyfriend rather than her husband. The outrage following the ruling brought national media attention to District Attorney Dudley and Assembly Member Achadjian's ongoing efforts to close this outdated loophole. AB 65 represents a continuation of Dudley and Achadjian's efforts.

Assembly Bill 65 was jointly sponsored by Santa Barbara County District Attorney Joyce Dudley, Los Angeles County District Attorney Jackie Lacey, and the California District Attorneys Association, and is supported by a broad coalition of public safety and victim's rights organizations. In addition to Assembly Members Achadjian and Lowenthal, the measure has been co-authored by 71 members of the Senate and Assembly, including Assembly Speaker John A. Pérez and State Senator Hannah-Beth Jackson.

For complete text of the bill please visit: www.leginfo.ca.gov

* * * * *