



District Attorney Legislative Enhancements

SUMMARY OF THE ISSUE

The Santa Barbara County District Attorney (DA) promotes crime prevention, protects the rights, and ensures the safety of the residents of Santa Barbara County through criminal prosecution and enforcement remedies. Violent crimes are prosecuted with intensity and focus; a core focus of the DA is to break the cycle of crime and hold offenders accountable. The DA is committed to achieving justice for the most vulnerable residents and providing innovative and efficient solutions to protect victims. The mission of the DA is to pursue truth and justice by employing the highest ethical standards in vigorously prosecuting the guilty, protecting the innocent and preventing crime. Ensuring adequate legislative reforms for various initiatives is a top priority for the DA in its mission to prosecute offenders and ensure safety and justice for all.

AB 765

During the 2011 Legislative Session, AB 765 was introduced by Assemblymember Katcho Achadjian on behalf of the Santa Barbara County District Attorney. Assembly Bill 765 would protect victims of rape by clarifying that a perpetrator who induces a victim into sexual activity by impersonating a cohabitant (live-in boyfriend or girlfriend) is guilty of felony rape by fraud. Under existing law, felony rape can be prosecuted in cases where a victim submitted to sexual activity “under the belief that the person committing the act is the victim’s *spouse* and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.” AB 765 would protect victims of rape by making it clear that a perpetrator who impersonates a victim’s *spouse or cohabitant* in order to commit a sexual act is guilty of felony rape by fraud. Doing so would empower District Attorneys with the tools necessary to prosecute rape cases by addressing the antiquated notion that everyone who lives together is married.

Strengthen Child Abuse Laws

In 2009, James Lujan tortured and killed 4-year old Diego Callas. Lujan was sentenced to 75 years to life in prison for his crimes, which also included torture of a 17-month old girl. During the investigation, law enforcement believed that there were witnesses to various abuses who did not report the abuse to the authorities. The District Attorney is proposing to strengthen penalties under Penal Code 273 for child abusers and impose probationary periods and programs, in addition to making it a crime to fail to report child abuse that causes great bodily injury to a child under 8. Having the new proposed sections may have helped prevent Diego's murder.

Other legislative initiatives to support include efforts to strengthen sexual battery laws and efforts to strengthen child pornography investigations, as well as efforts to allow all law enforcement to obtain basic telephone/internet subscriber information during the investigative stage of a crime.

PUBLIC BENEFIT/IMPACT

The DA is committed to prosecuting crimes and ensuring safety and justice for everyone in Santa Barbara County.

COST TO THE GOVERNMENT

Prosecution of crimes results in criminals being taken off the streets and entering the penal system. This cost is borne by the taxpayers and County public safety departments.

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REQUESTED ACTION AND STRATEGY

The County will work in collaboration with the County’s legislative delegation, law enforcement agencies and the California District Attorneys Association to support passage of AB 765 in the 2012 Legislative Session. The County’s legislative delegation should support other legislative efforts to strengthen laws regarding child abuse crimes and sexual crimes.

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