



## The SAVE Act (Sexual Assault Victims' Equity Act), or SB 782 (DeSaulnier)

### **FACT: Sexual assault is an epidemic in the United States**

- Nearly 1 in 5 women (or 22 million) have been raped at some point in their lives in the U.S.<sup>1</sup>
- Nearly 1 in 2 women have experienced sexual violence other than rape at some point in their lives. This equates to more than 53 million women in the U.S.<sup>1</sup>
- Nearly 1 in 5 men (or 25 million) have experienced sexual violence other than rape at some point in their lives in the U.S.<sup>1</sup>

### **FACT: Many Californians are survivors of sexual assault**

- It is estimated that there are 8.5 million survivors of sexual violence other than rape in California.<sup>1</sup>
- There are an estimated 2 million female victims of rape in California.<sup>1</sup>
- 5.6 million women in the state have been victims of sexual violence other than rape.<sup>1</sup>
- It is estimated that there are 3 million male survivors of sexual violence other than rape in California.<sup>1</sup>

### **FACT: Sexual assault is a public health issue**

- This fee seeks to ameliorate some of the known secondary effects associated with the connection between alcohol use, the strip club experience, and sexual assault. User fees are not a novel concept. Items like tobacco, sugary drinks, and alcohol already have added fees to mitigate the costs of treating the secondary effects associated with these products. Strip clubs are not the cause of sexual violence as a general whole, but there are indisputable, undesirable secondary effects associated with their existence.
- The fees imposed by this measure are intended to ameliorate the negative secondary effects associated with the combination of sexually oriented businesses and alcohol as to promote the health, safety, and welfare of the citizens of California.<sup>2</sup>

### **FACT: This fee is not an attack against the First Amendment**

- No party is trying to limit the *expression* of exotic dancing, which is protected speech under the Constitution. This is also not an attack or a moral judgment of club employees or patrons. Rather, we are addressing the secondary effects associated with the connection between strip clubs, alcohol, and sexual violence.
- In 1991, the U.S. Supreme Court ruled in *Barnes v. Glen Theatre, Inc.* that nude dancing is “expressive conduct within the outer perimeters of the First Amendment.” In this same case, the Supreme Court ruled that the test in “*United States v. O’Brien*” should be used to determine when nude dancing can be regulated by a government entity.

### **FACT: Admission fees already exist in California**

- Admission fees are not a new idea in California. Several local communities currently impose admission fees. Since 1986, the City of Santa Cruz has imposed a 5% fee on the price of admission or registration for events within the city limits of Santa Cruz.<sup>3</sup>
- San Mateo imposes a 50-cent fee on admission to horse or harness racing events.<sup>3</sup>

- The city of Fairfield has a \$5 admission fee for golf. The State Athletic Commission also imposes a fee on admission to boxing contests or wrestling exhibitions.<sup>3</sup>

**FACT: The fee will not be passed on to the employees at the strip clubs**

- Payment of the fee is left to the club owner's discretion. However, the bill explicitly states that the per patron, per entry fee cannot be passed on to the entertainers—who are often independent contractors—in the strip clubs. The fee shifts the focus away from the entertainers and provides an opportunity for consumers to be part of the fight to end sexual violence.

**FACT: California Rape Crisis Centers (RCC's) provide support and resources for survivors**

- According to fiscal year 2011-2012 data from the California Emergency Management Agency, the governmental agency that funds services to victims, 31,790 survivors received crisis intervention services from a California RCC.<sup>4</sup> While this is a sizeable number of Californians, it is a small percentage of the real number of survivors in the state (please see the NISVS figures on the previous page for the number of sexual assault survivors in California).

**FACT: Rape crisis centers currently cannot meet the needs of all survivors**

- Many rape crisis centers in the state have waiting lists for survivors who want to receive services. Additionally, the depth of services that centers can currently provide to survivors is limited in nature. For example, a survivor could need months of counseling due to his or her experience with violence, but the centers are currently unable to provide that level of service due to a lack of resources. Increased funding would increase the quality and quantity of services provided to survivors in the state.

**FACT: The state of California only contributes \$1.42 per sexual assault survivor from its general fund.<sup>4</sup>**

- The California State Budget General Fund commits only \$45,000 annually to sexual violence programs.<sup>4</sup>
- Since 31,790 Californians accessed crisis intervention services in fiscal year 2011-2012, this equates to only \$1.42 for each person served.<sup>4</sup>

**FACT: Strip clubs exist in the same arena as sexual violence and contribute to the climate of violence**

- Sexual objectification is a major cause in gender inequality - it also is how strip clubs make money. Strip clubs contribute to a climate in society that encourages sexual objectification of women, which is the same attitude held by those who commit sexually assault. Since equity and justice for sexual violence is an issue that affects everyone, strip clubs should be given every opportunity to contribute to the reduction and prevention of sexual assault.

**FACT: Similar legislation has already been passed in other states.**

- In 2007, the "Sexually Oriented Business Tax Act" was passed in Texas. This mandates that a \$5 per entry fee be collected, though the fee does not have to be passed onto the customers. Owners can decide how to come up with the fee. In 2011, the Texas Supreme Court ruled that the fee was constitutional. In January 2012, the U.S. Supreme Court refused to hear the case, upholding the Texas Supreme Court's ruling.
- In 2012, "The Live Adult Entertainment Facility Act" was passed in Illinois, which collects a \$3 fee per customer, per entry on alcohol-serving clubs.

Sources

1. The National Intimate Partner and Sexual Violence Survey (NISVS), 2010, The Centers for Disease Control and Prevention.
2. The California State Assembly Legislative Analysis of AB 2441, April 2012
3. State Board of Equalization Staff Legislative Bill Analysis AB 2441, February 24, 2012.
4. The California Emergency Management Agency Joint Legislative Budget Report fiscal year 2011-2012 (pages 112-113).