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COUNTY OF SANTA BARBARA
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DA 04-0047

RELEASE NUMBER

April 7, 2011

RELEASE DATE

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

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Re: Assembly Bill 765 Unanimously Approved by Assembly Public Safety Committee
Bill to Protect Unmarried Victims of Rape Sponsored by the Santa Barbara County District Attorney

On Tuesday, April 5, 2011, Assembly Bill 765, by Assemblyman Katcho Achadjian, passed out of the Assembly Public Safety Committee with a unanimous vote. The bill will bring parity to statutes relating to rape, by clarifying that an attacker who coerces a victim into sexual activity by impersonating the victim's cohabitant (live in girlfriend or boyfriend) can be prosecuted for felony rape. Under existing law, the attacker can only be charged with felony rape if the victim lives with a spouse and consents to sex under the belief that the attacker was their spouse.

Frustrated by the legal loophole in the current law, Santa Barbara County District Attorney Joyce Dudley turned to Assemblyman Achadjian for help. "It makes absolutely no sense that unmarried victims of this type of rape do not receive the same protections as married victims," said Achadjian. "With cohabitation among unmarried couples at an all-time high, it is important that the Legislature recognize that a victim is a victim, regardless of his or her marital status. I thank Santa Barbara County District Attorney Joyce Dudley for bringing this important matter to my attention."

Assembly Bill 765 was inspired by a case in Santa Barbara County in which the accused broke into the home of the female victim during the night and instigated a sexual assault with the victim who was asleep in her bedroom. The victim assumed that the attacker was her live-in boyfriend and consented to sexual intercourse until realizing that the attacker was not her boyfriend. The woman resisted and her attacker fled. Once the suspect was caught, the 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.

"I am deeply appreciative that Assemblyman Achadjian and the Public Safety Committee saw the merits of this legislation. Rape by false pretenses is a despicable crime under all circumstances," said Dudley. "A rape law should not treat married victims and unmarried victims differently; it is clearly an injustice that the existing law does. By approving this measure, the Legislature will give District Attorneys throughout California the tools we need to prosecute the guilty and help victims become survivors."

Assembly Bill 765 now moves to the Assembly Appropriations Committee which has until May 6 to act on it. For complete text of the bill, please visit: www.leginfo.ca.gov

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