



**Assemblymember Tasha Boerner Horvath, 76<sup>th</sup> District**  
**AB 1927 – SEXUAL ASSAULT VICTIMS AMNESTY**  
*(AS INTRODUCED JANUARY 15, 2020)*

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## SUMMARY

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AB 1927 would establish an amnesty clause to encourage sexual assault victims and witnesses to participate in a sexual assault prosecution.

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## BACKGROUND

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In 2018, California had more than 15,000 reported forcible rapes – the highest number in the United States<sup>1</sup>. These crimes affect children, women and men. Twenty percent of women and six percent of males are victims of sexual assault while in college. Approximately 30 to 79 percent of sexual assault victims and 34 to 74 percent of perpetrators reported they were drinking alcohol at the time of assault<sup>2</sup>. The prevalence of sexual assault cannot be accurately determined because it is usually unreported – this is known as the “silent epidemic”. According to the Bureau of Justice Statistics, this problem is worse among college students, with approximately 80 percent of sexual assaults against college students and 67 percent of nonstudents going unreported<sup>3</sup>.

Multiple reports including a report by the White House Task Force to Protect Students from Sexual Assault and by the American Association of State Colleges and Universities confirm that an amnesty clause can encourage sexual assault reporting within the campus community. An amnesty clause is a grant of immunity from the consequences of drug and alcohol use that could discourage a survivor from reporting sexual assault. Because sexual assault is not limited to college campuses, the problem identified by these reports is a problem that also affects sexual assault reporting beyond the college community.

AB 1927 seeks to extend the concept of an amnesty clause for sexual assault survivors to

all California sexual assault survivors and witnesses and not limit this procedure to college students.

An amnesty clause would encourage sexual assault survivors and witnesses to participate in a sexual assault prosecution. Many survivors are reluctant to come forward to testify in a sexual assault prosecution fearing their alcohol and/or drug use at the time of the crime could expose them to potential criminal liability<sup>4</sup>.

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## EXISTING LAW

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Existing law makes it a crime to commit various acts of sexual assault, including sexual battery and rape. Existing law also makes it a crime to possess or use various controlled substances or for a person who is under 21 years of age to purchase or consume alcohol.

Existing law codifies the procedure for granting immunity to a witness who has potential criminal liability. However, it also provides that sexual assault victims are not required to participate in the criminal justice system.

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## THIS BILL

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Specifically, AB 1927 recognizes that sexual assault victims should not be compelled to testify by the court about their drug or alcohol use as the only procedure to provide them with immunity.

AB 1927 provides that the testimony of a sexual assault victim or witness, who possessed or used a controlled substance or alcohol during the time of the offense or attempted offense, is inadmissible in a separate prosecution of that victim or witness to prove illegal possession or use of that drug or alcohol.

The bill does not prohibit the accused from introducing evidence that his/her accuser used or possessed alcohol or drugs at the time of the crime. AB 1927 would simply make evidence of consumption of drugs and alcohol at the time

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<sup>1</sup> [Federal Bureau of Investigation, Uniform Crime Reporting 2018](#)

<sup>2</sup> [Abbey et al. 1994; Crowell and Burgess 1996](#)

<sup>3</sup> [Sinozich and Langton 2014.](#)

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<sup>4</sup> [Krebs et al. 2007 2-9](#)



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of the sexual offense inadmissible in a separate prosecution.

While many colleges and universities have already adopted this practice, AB 1927 would extend this protection to all California sexual assault victims and witnesses.

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**SUPPORT**

San Diego County District Attorney (Sponsor)

California District Attorneys Association  
(Sponsor)

Alameda County District Attorney (Sponsor)

California Coalition Against Sexual Assault

Center for Community Solutions

Crime Victims United of California

End Violence Against Women International

Southern California Public Health Association

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**OPPOSITION**

American Civil Liberties Union

California Public Defenders Association

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**FOR MORE INFORMATION**

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