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REPRESENTING SENATE DISTRICT 05

SB 352 – Sexual Harassment in the Military

SUMMARY

This bill would make sexual harassment a stand-alone offense in California’s incorporation of the Uniform Code of Military Justice. Additionally, the bill would require public release of statistical data from Sexual Assault Prevention and Response Report. It also clarifies that crimes, including sexual harassment and sexual assault, committed while on duty are not protected from civil or criminal liability.

BACKGROUND

The military community has experienced an increase in reported incidents of sexual assault. The 2018 annual report on Sexual Assault in the Military from the Department of Defense documented 6,053 reports of sexual assault. In 2019, the number rose to 6,236. The California Military Department reported 18 sexual assault reports in 2017. In 2018, that number jumped to 33 reported sexual assaults.

In March 2019, the Department of Defense established the Sexual Assault Accountability and Investigation Task Force to identify, evaluate, and make recommendations to increase accountability for sexual crimes. The task force reported a strong correlation between sexual harassment and sexual assault within military units.

In February 2020, the Joint Service Committee on Military Justice at the Department of Defense recommended that a stand-alone offense of “sexual harassment” should be added to the United States Manual for Courts Martial. Creating a stand-alone offense of sexual harassment within the California military justice system will allow Commanders to lead the nation in proactive sexual assault prevention by providing them the tools necessary to send a strong message that sexual harassment and sexual assault will not be tolerated within California’s military ranks.

THIS BILL

This bill increases protections and safety for military members by making sexual harassment a stand-alone offense. It delineates that sexual crimes, are not immune from civil or criminal liability. Finally, this legislation increases transparency about sexual crimes committed in the military by mandating the public release of key data points from the Sexual Assault Prevention and Response Report.

SUPPORT

FOR MORE INFORMATION

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