

SCORECARD

REPORT CARD CALIFORNIA | 2020



Final Score

66%

7 9 10 5 2 4

19 10 10 7 4 6

Final Grade

C+

SCORECARD TOPLINES

No lower age limit is specified if parental consent and judicial approval are provided for child marriage. Does not account for a difference in age between the individuals engaging in sexual contact. Has not tested the entire rape kit backlog and has only done a one-time inventory, not recurring, of rape kit backlog. Does treat rape of a spouse differently than rape of an individual who is not a spouse. An exemption for spousal rape exists under laws criminalizing statutory rape and laws criminalizing sexual contact between people with a supervisory relationship. The statute of limitations has not been eliminated for all felony sex crimes.

Child Marriage

The age of consent for marriage is generally 18 years of age. Marriage is permitted for minors with parental consent and judicial approval. No age limit is specified in the law if parental consent and judicial approval is given. A lower age limit does not exist if one of the participants is pregnant or if the child has been married before. There is not a lower age limit if the child is in the military. There is not a gender difference in the lowest age allowed to marry.

Consent to Sexual Contact

The lowest age of consent for sexual contact is 18 years of age. The law does not account for a difference in age between the individuals engaging in sexual contact. The law does require consent to be freely given or given by affirmative consent. The law accounts for a person's developmental disability or mental capacity impacting their ability to consent. The law accounts for a person's consciousness impacting their ability to consent. The law accounts for a person's intoxication impacting their ability to consent. The law accounts for the relationship between a victim and perpetrator impacting the victim's ability to consent.

Discrimination & Hate Crimes

The state has a hate crimes law and requires data collection on hate crimes. The state does criminalize interference with religious worship. The state does have a penalty enhancement for crimes or an independent crime for crimes motivated by race, religion, or ethnicity. The state does have a penalty enhancement for crimes motivated by sexual orientation, gender, disability, political affiliation, or age. The state does have a penalty enhancement for crimes or an independent crime for crimes motivated by gender identity.



Rape Kit Processing



The state has conducted a one-time inventory of untested rape kits. Testing of the entire backlog of untested rape kits has not occurred. Mandatory testing of new rape kits is required to occur. A rape kit tracking system has been implemented through legislative action. A survivor's right to notice does exist. The state has provided funding for rape kit handling reform.

Spousal Rape



The state does treat rape of a spouse differently than rape of an individual who is not a spouse of the perpetrator. The state does allow for conviction of a spouse for raping their partner if the partner is unconscious, drugged, or otherwise incapacitated. An exemption for spousal rape does exist under laws criminalizing statutory rape. An exemption for spousal rape or unwanted sexual contact does exist under laws criminalizing sexual contact between people with a supervisory relationship.

Statute of Limitations for Sexual Crimes



The state does not have a reduced statute of limitations for criminal prosecution if a victim chooses not to report the crime. The statute of limitations for the most serious felony sex crime is 21 years or more. The statute of limitations has not been eliminated for all felony sex crimes. Exceptions to the statute of limitations do exist to allow an exception for DNA evidence. For a majority of California sex crimes, the statute of limitations is extended one year after DNA identifies a suspect.