

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 29

Introduced by Assembly Member Campos

December 1, 2014

An act to add Section 1708.5.5 to the Civil Code, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 29, as amended, Campos. Civil actions: defenses: unlawful sexual intercourse.

Existing law prohibits a person from engaging in unlawful sexual intercourse, as defined, with a minor and prescribes punishments for unlawful sexual intercourse. Existing law makes a person who commits sexual battery, as provided, liable for specified damages. Existing law establishes the defense of consent in civil actions.

This bill would prohibit, in any civil action involving sexual ~~intercourse between~~ *battery by an adult and of a minor*, as defined, the defense that the minor consented to the sexual ~~intercourse~~. *battery if the adult is in a position of trust, authority, or supervision, or acts as a caretaker, in relation to the minor. The bill would also provide that the minor's consent does not mitigate damages in these circumstances.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1708.5.5 is added to the Civil Code, to
2 read:

1 1708.5.5. (a) For the purposes of this section, the following
2 definitions shall apply:
3 (1) “Adult” means a person who is at least 18 years of age.
4 (2) “Minor” means a person who is under 18 years of age.
5 (b) Notwithstanding Section 3515, in any civil action involving
6 sexual ~~intercourse between~~ battery, as defined in Section 1708.5,
7 by an adult ~~and~~ of a minor, it shall not be a defense ~~that that~~, nor
8 mitigate damages if, the minor consented to the sexual ~~intercourse~~.
9 battery if the adult is in a position of trust, authority, or
10 supervision, or acts as a caretaker, in relation to the minor.