

**Introduced by Senator Gaines**

December 1, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 30, as introduced, Gaines. Nonconsensual sexual intercourse: minors.

Under existing criminal law, unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is under 18 years of age. Existing civil law makes a person who commits a sexual battery, as defined, upon another liable to that person for damages and authorizes a court to award equitable relief, as specified.

This bill would, under civil law, define nonconsensual sexual intercourse as an act of sexual intercourse between an adult and a person who is not the spouse of the adult, if the person is under 18 years of age.

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:  
3 1708.5.5. Nonconsensual sexual intercourse is an act of sexual  
4 intercourse between an adult and a person who is not the spouse  
5 of the adult, if the person is a minor. For the purposes of this

- 1 section, a “minor” is a person under 18 years of age and an “adult”
- 2 is a person who is at least 18 years of age.

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