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Statute of Limitations Statement for California

I am here today in support of SB 813. I have been practicing law for 40 years. My law firm, Allred, Maroko & Goldberg is the leading private woman's rights law firm in the United States. Over the course of those 40 years, I have represented thousands of rape and sexual assault victims both in the criminal and civil justice system.

While I am only licensed to practice in California, New York and Washington, D.C., I co-counsel in many other states and have often been admitted pro hac vice by courts in other states in rape and sexual assault cases. I am frequently contacted by rape victims in many states, including California regarding what their rights are as victims.

Naturally, I believe that victims of crimes should report the crime and the perpetrator of the crime to law enforcement. Unfortunately, however, I also have the difficult job of having to explain to many victims that in a number of states, including California that there is an arbitrary time period called the statute of limitations which prevents law enforcement, including district attorneys, from prosecuting a criminal case even if the D.A. believes that there is evidence to prove the case beyond a reasonable doubt.

In short, for many victims who contact me it is simply too late for them to have the rapist held accountable in the criminal justice system. This seems very unfair to them and I agree with them that it is unfair. Many people have asked me why rape victims do not report the rape at or near the time of the crime. I am asked this question frequently because I represent 30 accusers of Bill Cosby, many of whom allege that they were both drugged and raped and for most of them it is too late have their day in court against Mr. Cosby because of the statute of limitations.

The reasons that many victims do not report within the statute of limitations vary. Often if the perpetrator of the rape is rich, powerful and famous, the victim is in fear of being retaliated against or harmed by the perpetrator or his friends if

she reports. In many cases, she feels threatened or has in fact been threatened. In other cases, she feels that she will not be believed against what is likely to be denial by the perpetrator.

Often the victim will also blame herself even though she was not at fault and often the victims feel ashamed about what happened. In other cases, if she has been drugged, she may be confused about the sexual assault or in some cases depending on the drug she may only have a partial memory and may find it difficult to explain what happened.

Whatever the reason for not coming forward to law enforcement, however, the result is the same. Even if the victim is now ready to come forward it may now be too late to have the rapist prosecuted. The door to the courthouse is slammed in her face.

As lawyers and as legislators, we should ask who benefits from a relatively short statute of limitations for rape and sexual assault and who is hurt. The answer is simple. The victim is hurt and the rapist is helped. She must live with the knowledge that she is being denied justice and he is happy that he is free to rape again.

The community is forced to live with a rapist in its midst because the rapist will not have to suffer any legal consequences for his rape. It is time to more evenly balance the scales of justice. We can do this by simply eliminating the statute of limitations.