

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, sexual assault continues to be a problem in the United States, with nearly 300,000 people victimized every year; and

WHEREAS, women enrolled in college are three times more likely to be a victim of sexual assault than women who are not in college; and

WHEREAS, a majority of sexual assaults on college campuses involve alcohol or other controlled substances, often with the victims being unconscious or intoxicated; and

WHEREAS, under current state law, the majority of felony sexual assault crimes fall into two sentencing categories: "Presumptive Ineligibility of Probation (PIP)," where a court may grant probation if it finds and notes an unusual circumstance, or "Mandatory Denial of Probation (MDP)," which does not allow for probation; and

WHEREAS, under current law, an individual who uses force during a sexual assault involving penetration would trigger a mandatory denial of probation, while an individual who does not use force, as in cases where the victim is incapacitated or unconscious would not; and

WHEREAS, recent events on college campuses have highlighted the need for state law to be updated to ensure that individuals who sexually assault an unconscious or intoxicated person are sentenced to jail, and not granted parole; and

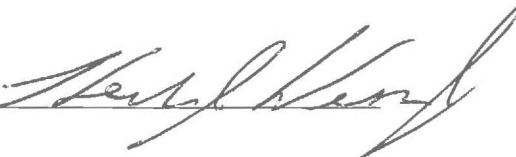
WHEREAS, AB 2888 (Low) would amend state law to prohibit granting probation to individuals convicted of certain sexual assault felonies, including those perpetrated against an unconscious or intoxicated victim;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 State Legislative Program SUPPORT for AB 2888 (Low), which would prohibit probation being granted to a person convicted of certain felony sex offenses.

PRESENTED BY:


NURY MARTINEZ
Councilmember, 6th District

SECONDED BY:




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