

# Idaho Legislature Votes to Repeal Law Exempting Rape of Spouse

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In April 2021, the Idaho House of Representatives voted unanimously to repeal provisions of a state law allowing exceptions to the criminal definition of rape in cases of married couples. The existing law exempts actions in a marriage that are illegal outside marriage. In other words, the standing law is effectively an Idaho exception to spousal rape law.

## Spousal Rape Statistics in the U.S.

Marital rape statistics from the CDC indicate that 51 percent of female rape victims in the U.S. report that the rapist was their intimate partner. The research also indicates that about a third of women have reported experiencing “unwanted sex” with their partners.

Bea Blac, CEO of the Women's and Children's Alliance, has reportedly explained the significance of the repeal of the exceptions in the law. For the past 44 years, state law has effectively legally permitted spousal rape in Idaho. If the new bill becomes law, married people will be able to have rape charges brought against their spouses.

Idaho Senator Melissa Wintrow drafted the legislation to enact the repeal after someone had informed her of personal experience with the impact of the existing law. Senator Wintrow has reportedly emphasized that the repeal means that the legal risk for an abusive spouse is now much more serious.

## Old and New Rape Laws and Attitudes

Back in 1977, the exemptions for rape in marriage were instituted in Idaho. The laws have been altered through the years since then. In those days, the thinking of many U.S. Americans was that if a couple is married there cannot be a classification of rape regarding a sexual act involving the couple.

It makes sense that most victims of rape by their spouse do not reach out in an attempt to get help from the criminal justice system. Rape victims typically do not like talking about the crime. So, when it's clear enough to those individuals that they're not going to get help, naturally there is little motivation for them to report the crime.

But, values appear to be evolving in Idaho from those of just a few decades ago when rape of women by their marital partners was passed into law. With the changes in attitudes and social values, laws may now catch up and ultimately reflect the new ways of thinking.

## **What Happens Next To the Proposed Law Change?**

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The State legislature's unanimous vote makes it clear that Idaho is ready to go forward with a firm resolve that no one should be granted a free pass to commit a sex crime. If the bill becomes law, the status of the perpetrator's relationship with the victim will no longer be a viable defense against rape charges in the state.

The House bill will now go to Governor Brad Little for his review and consideration.

## **What if You Have Been Wrongly Accused of Rape?**

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Of course, in a surprising number of cases, defendants are wrongly charged. If you are accused of rape in Idaho, you are entitled to the best legal defense possible. You will need an experienced sex crimes lawyer to ensure that all your rights are protected and build the most effective case for your defense.

A top criminal defense lawyer in Boise Idaho who specializes in sex crimes defense can potentially get rape charges dropped or reduced in many cases. An experienced rape attorney can often keep an accused person from going to jail and prevent entry into the sex offender registry.

## **For Rape Charge Defense in Idaho**

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If you are facing charges for a sex crime, call Sawtooth Defense Lawyers, Boise, ID, at (208) 644-8893, or contact us online for a free review of your case and options for your defense.