

# Sexual Violence Legislation

A Historical Timeline of Reform and Progress

## Early Foundations (1700s-1900s)

### 1700s-1800s

#### English Common Law Adopted

States adopted English common law defining rape as forced sexual intercourse with 'a woman not one's wife.' Marital rape was explicitly exempted. Rape was viewed as a property crime against a father or husband.

### 1927

#### FBI Establishes Rape Definition

The FBI established rape definition as 'carnal knowledge of a female forcibly and against her will.' This definition remained unchanged until 2012.

### 1962

#### Marital Rape Exemption Repeated

The Model Penal Code continued to include the marital rape exemption.

## Reform Movement Begins (1970s)

### 1974

### **Michigan's Comprehensive Reform ★**

Michigan passes first comprehensive rape law reform AND first rape shield law in the nation. Michigan and Delaware reduce legal tolerance of marital rape.

## **1975**

### **South Dakota & Nebraska Criminalize Marital Rape**

South Dakota becomes first state to fully criminalize marital rape (reversed in 1977). Nebraska becomes first state to permanently criminalize marital rape.

## **1976**

### **Nebraska Confirmed as Pioneer**

Nebraska confirmed as the first state with permanent marital rape criminalization.

## **1978**

### **Federal Rape Shield Law Enacted ★**

Federal Rule of Evidence 412 (rape shield law) enacted to protect victims from invasive questioning about sexual history during trials.

## **1978**

### **Oregon v. Rideout**

First case where a man stood trial for raping his wife while cohabiting. Though acquitted, the trial spurred further reform efforts.

## **1979**

### **First Marital Rape Conviction**

Massachusetts achieves the first marital rape conviction in the nation.

## **Federal Action (1980s-1990s)**

**1984**

**Federal Sexual Abuse Legislation**

Congress passes legislation allowing federal prosecution of sexual abuse in federal jurisdictions.

**1986**

**Federal Sexual Abuse Act**

Federal Sexual Abuse Act criminalizes marital rape on all federal lands.

**1993**

**Marital Rape Criminalized in All 50 States ★**

On July 5, 1993, marital rape becomes a crime in all 50 states. Oklahoma and North Carolina were the last states to criminalize it.

**1994**

**Violence Against Women Act (VAWA) ★**

Landmark federal legislation: \$1.6 billion for investigation and prosecution; automatic restitution; established Office on Violence Against Women; included federal civil rights remedy (struck down in 2000).

**1994**

**Universal Rape Shield Laws**

By 1994, every state had passed its own rape shield law.

**1995**

**Federal Rules of Evidence 413-415**

On July 9, 1995, rules become effective, allowing evidence of defendant's prior sexual assaults.

**2000**

## **VAWA Reauthorized**

VAWA reauthorized with expanded protections for survivors.

# **21st Century Expansion (2000s-Present)**

## **2003**

### **Prison Rape Elimination Act (PREA) ★**

On September 4, 2003, PREA establishes zero-tolerance standard for sexual assault in correctional facilities.

## **2005**

### **VAWA Reauthorized**

VAWA reauthorized with continued support for violence prevention programs.

## **2006**

### **Adam Walsh Act**

Adam Walsh Child Protection and Safety Act expands sex offender registration requirements.

## **2012**

### **FBI Revises Rape Definition ★**

FBI revises definition to include male victims and eliminate 'force' requirement. New definition: 'penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.'

## **2013**

### **New FBI Definition Takes Effect**

FBI's revised rape definition goes into effect on January 1, 2013.

## 2013

### **VAWA Reauthorized with Major Expansions ★**

Protections for LGBTQ victims, immigrants, and Native Americans; Special Domestic Violence Criminal Jurisdiction (SDVCJ) for tribal courts; provisions addressing campus sexual assault.

## 2016

### **Sexual Assault Survivors' Bill of Rights ★**

On October 7, 2016, enacted guaranteeing: right to have rape kit preserved; notification before destruction; informed of results; no charge for examination.

## 2022

### **VAWA Reauthorized with Tribal Expansions ★**

On March 15, 2022, expanded Special Tribal Criminal Jurisdiction to cover sexual assault, child abuse, stalking, sex trafficking, and assault of tribal law enforcement. NOTE: 'Boyfriend loophole' was NOT closed.

## 2022

### **Speak Out Act**

On December 7, 2022, prohibits enforcement of pre-dispute non-disclosure and non-disparagement clauses in cases of sexual assault and harassment.

*This timeline documents the legislative journey toward justice and protection for survivors of sexual violence.*