

# Time to exhale

Bill would give more time for domestic violence cases

BY ADRIA WATSON / CALmatters



State Sen. Susan Rubio thanks public safety officials at a National Night Out event in Rosemead on Aug. 6.

In 2016, when Susan Rubio was on the Baldwin Park City Council, she accused her then-husband, Assemblyman Roger Hernandez, of domestic violence. He had been beating her, she told a Los Angeles County court, since late 2013, just months into their marriage, but she had covered it up—telling hospital staff she had hurt herself working out, for instance—because both were elected officials and because she feared he’d retaliate.

Three years later, Rubio and Hernandez are divorced, he no longer holds office and she’s Sen. Susan Rubio, a freshman Democrat with a bill—co-sponsored in the Assembly by her sister—to lengthen the statute of limitations on domestic abuse.

Senate Bill 273 would give authorities eight years instead of three to prosecute abuses for which new evidence emerges, plus provide officer training for domestic violence cases.

Her aim, she said, is “to make sure that women have more time to deal with their personal struggles and really have the courage to come forward and bring their abusers to justice.”

The extended statute of limitations would apply to cases in which the perpetrator confesses or there are videos, photos, or written or electronic communication that emerge and can be used as sufficient evidence.

Though defense attorneys and civil liberties groups have expressed reservations, SB 273 sailed through the Senate 36-0 and is pending in the Assembly.

Elaine Whitefeather, who directs A Community For Peace, a Sacramento-based nonprofit aimed at curbing domestic violence, said the measure, if it passes, will give abuse survivors such as herself “a minute to exhale.”

A longtime advocate, Whitefeather said having a public figure share her personal experience is, in itself, a game-changer.

Rubio’s story didn’t get told easily. She said it wasn’t until Hernandez menaced her outside a

courtroom during divorce proceedings that she decided, at her lawyer’s insistence, to seek the restraining order, even though she knew it would become a matter of public record. Her allegations of ongoing “pushing, shoving, hitting and choking” with hands, broomsticks and belts by Hernandez, spelled out in her April 2016 request, generated lurid statewide headlines.

Hernandez, who had been similarly accused by an earlier girlfriend, called the allegations “100% false,” chalking them up to contentious divorce proceedings, and ignored a public call by two leaders of the Legislative Women’s Caucus for him to take a leave of absence pending the judge’s decision. At the time, many fellow lawmakers, including some female Democrats, took his side.

When a Superior Court judge later found Rubio’s claims to be credible and ordered Hernandez to stay away from her for three years, Assembly Speaker Anthony Rendon stripped him of his committee assignments. Hernandez, who was terming out and preparing to run for Congress, went on a medical leave until his term in the Legislature ended, and dropped out of his congressional race.

He told reporters that Rubio was “evil” and “a trained actress” who had deceived the judge and “crippled my reputation.” He did not respond to CALmatters’ requests for comment.

Opponents of the bill, including the American Civil Liberties Union of California, and the California Public Defenders Association, say extending the statute of limitations could threaten defendants’ rights and weaken an incentive for prosecutors and police to address reports of domestic violence swiftly.

They also argue that resources would be better spent on rehabilitation and public education. □

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