

What to Do if You Are Charged with Spousal Rape – Advice from Florida Rape Attorneys

Many people believe that it is not possible to rape your spouse. In fact, as recently as 20 years ago, it was impossible to rape a person whom you were married to, and some states still have legislation which puts [marital rape](#) in a separate category than non-marital rape (such as harsher reporting requirements or not allowing certain categories of rape to apply to marital rape). However, the law is increasingly recognizing that sex without consent is rape, even if the partners are married. Thus, a rape attorney who keeps track of the changes in the law is vital for anyone who is accused of rape.

There are many common myths that make people think that marital rape is not “real” rape. Most commonly, people believe that sex is an inherent part of marriage. Therefore, many people assume that a married couple is in a state of constant consent to sex with each other. However, this is untrue. Rape is now seen as a crime of power and control, not a crime of sex. Therefore, the sexual nature of a marriage simply doesn’t apply. Bottom line: to press on after one partner has made their “no” clear is not sex—it is legally defined as [rape](#), regardless of whether the couple is married or not.

The second reason that some people do not conceive of marital rape as real rape is that they have a good marriage and cannot conceive that their partner would not want to have sex with them. It is wonderful when people are in happy marriages; however, other marriages are abusive—physically, emotionally, or sexually. Marriage does not automatically make two people loving and respectful partners. People who feel entitled to or desire to control their partner’s sexuality will continue to do so, even once the marriage vows have been taken.

The lack of awareness of the existence of spousal rape has created a new set of people who may be accused of rape and not even aware that it was possible. Being falsely accused of a crime you didn’t know existed may blindside you. If you have been falsely accused of spousal rape, hire a [competent sex crimes attorney](#). A rape attorney who understands the law around spousal rape may be able to create a defense showing that there is reasonable doubt about whether the sex was consensual.