



Assemblymember Sydney Kamlager, District 54

AB 124 – Justice for Survivors

IN BRIEF

AB 124: Justice for Survivors would create a clear path to request a reduced prison sentence in cases where the defendant's victimization was a "significant contributing factor" to their criminal behavior.

BACKGROUND & PROBLEM

In 2013, at the age of 17, Keiana Aldrich was prosecuted as an adult and sentenced to nearly 10 years in state prison for assisting in the robbery of an adult man attempting to buy her for sex acts and the creation of pornography. The man was not charged for attempting to solicit her.

Keiana joined a population of Black women and girls who are sexually abused, exploited and disproportionately represented among criminalized trafficking survivors. She spent years behind bars while the underlying trauma she endured as a survivor remained untreated.

Although Black people represent only thirteen percent of the U.S. population, they account for 40 percent of human trafficking survivors. Of those arrested for prostitution nation-wide, a near 40 percent are Black.

The societal trauma caused by criminalizing trafficking survivors spans generations as these women are separated from their children and families. This injustice is pervasive, with about 60 percent of women incarcerated in state facilities throughout the U.S. reporting experiences of physical or sexual abuse.

California's current legal framework lacks clear mechanisms to consider such victimization at the sentencing and re-sentencing phases for defendants.

Fortunately, Keiana found an attorney who successfully advocated for her release from prison. However, many more survivors remain in California prisons who deserve consideration based on their own traumatic circumstances.

SOLUTION

AB 124 would create a clear path for survivors of human trafficking and intimate partner violence to request a reduced prison sentence.

Sentencing guidelines would be amended to include language that requires California courts to consider the following factors at the time of sentencing:

1) *The defendant experienced one or more of the following:*

- a) *Intimate partner violence;*
- b) *Commercial sex trafficking;*
- c) *Commercial sexual exploitation;*
- d) *Human trafficking*

2) *The trauma of that experience was a contributing factor to the defendant's criminal behavior; and*

3) *A sentence within the generally applicable statutory range would be unduly harsh.*

AB 124 would also amend Penal Code § 1170(d)(1) to require California courts to consider these same factors at the time of resentencing.

The bill will give victims a mechanism to seek justice that is holistic and rehabilitative.

SPONSORS

Free to Thrive, National Center for Youth Law, University of Southern California Gould School of Law Post-Conviction Justice Project, Young Women's Freedom Center, Black Futures Lab Public Policy Institute, The California Coalition of Women Prisoners, Survived and Punished

FOR MORE INFORMATION

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