



## State of Connecticut

### DIVISION OF PUBLIC DEFENDER SERVICES

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#### Testimony of Deborah Del Prete Sullivan, Legal Counsel, Director Office of Chief Public Defender

**JUDICIARY COMMITTEE - MARCH 17, 2025**

#### **Raised Bill No. 1502**

#### **AN ACT CONCERNING SENTENCE REDUCTION OR RELIEF FOR SURVIVORS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING OR HUMAN TRAFFICKING**

The Office of Chief Public Defender (OCPD) supports S. B. 1502, *An Act Concerning Sentence Reduction or Relief for Survivors of Domestic Violence, Sexual Assault, Stalking or Human Trafficking*. The Office of Chief Public Defender is a member of the Trafficking in Person Council and the Trafficking Committee of the Connecticut Bar Association at Quinnipiac School of Law. The Office has worked collaboratively with advocates for trafficked persons to find a way to provide relief to persons who are charged with a criminal offense and who are victims of trafficking. This Office thanks this Committee and the legislature for adopting laws pertaining to vacatur for trafficked victims and resources to continue advocacy for them.

This bill is a very important step in recognizing the duress and threat that many victims of trafficking, domestic violence, sexual assault and stalking face in which their conduct ultimately leads to their being charged with a criminal offense. Persons who are often themselves victims of human trafficking are sexually exploited and are prosecuted and convicted for human trafficking-related crimes.<sup>1</sup> Studies also highlight the clear links between human trafficking and violence against women, domestic violence, and the role of intimate partner violence. The bill provides for the court to hear evidence that the defendant is a survivor of trafficking, domestic violence, sexual assault or stalking and that this was a

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<sup>1</sup> See e.g., United Nations - Exploited and Prosecuted: When Victims of Human Trafficking Commit Crimes: <https://www.unodc.org/unodc/en/frontpage/2020/December/exploited-and-prosecuted -when-victims-of-human-trafficking-commit-crimes.html>. Our office would further point out that victims of human trafficking can be of more than one gender.

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**Deborah Del Prete Sullivan, Legal Counsel, Director**

**March 17, 2025**

**Judiciary Committee**

**Raised S. B. 1502 An Act Concerning Sentence Reduction Or Relief For Survivors Of Domestic Violence, Sexual Assault, Stalking Or Human Trafficking**

contributing factor leading to the commission of an offense. This mitigation evidence is crucial for the court to be aware of prior to sentencing.

The bill also allows the court the discretion to depart from a mandatory minimum sentence if it finds by a preponderance of the evidence their being a survivor of such offenses was a contributing factor in their commission of the offense.

Lastly, the bill also allows for such survivors to bring this attention to the Court or the Board of Pardon and Parole in other post-conviction proceedings, thereby enabling these survivors eligibility to bring a claim forward.

In conclusion, the Office of Chief Public Defender requests this Committee to vote favorably on this bill. Thank you.



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

Judiciary Committee Public Hearing  
March 17, 2025

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

**OPPOSING IN PART**

**S.B. No. 1502 (Raised) An Act Concerning Sentence Reduction Or Relief For Survivors Of Domestic Violence, Sexual Assault, Stalking Or Human Trafficking**

The Division of Criminal Justice broadly supports legislative efforts to promote fair sentencing and encourage survivors of domestic violence, sexual assault, stalking, or human trafficking to seek help. While the intent to provide relief for survivors of domestic violence, sexual assault, stalking, and human trafficking is commendable, the Division must oppose Sections 1 and 2 of S.B. No 1502 An Act Concerning Sentence Reduction or Relief For Survivors of Domestic Violence, Sexual Assault, Stalking or Human Trafficking for several reasons.

As an initial matter, existing law already provides a framework for courts to consider, and defendants to present, evidence and information relating to a defendant's status as a victim of domestic violence and related offenses at sentencing and in connection with a request for sentence modification. Under Connecticut law, judges have broad discretion at sentencing to take into account a wide variety of circumstances surrounding the crime and the offender's background and history, including whether the defendant was a survivor of abuse or trauma. That broad discretion applies with equal force to its decisions regarding sentence modification.

Specifically, before imposing sentence or making any other disposition on the date previously imposed for sentencing, a court shall, among other things:

- afford the parties an opportunity to be heard and, in its discretion, to present evidence on any matter relevant to the disposition, and to explain or controvert the presentence investigation report, the alternate incarceration assessment report or any other document relied upon in imposing sentence; and
- allow the defendant a reasonable opportunity to make a personal statement in his or her own behalf and to present any information in mitigation of the sentence.

Testimony of the Division of Criminal Justice  
S.B. No. 1502

(Emphasis added.) P.B. § 43-10; see State v. Dupas, 291 Conn. 778, 783 (2009) (sentencing court “may appropriately conduct an inquiry broad in scope, largely unlimited either as to the kind of information [it] may consider or the source from which it may come” (internal quotation marks omitted)); State v. Brelsford, 227 Conn. App. 53, 62, cert. denied, 350 Conn. 912 (2024) (sentencing court’s broad discretion applies to decisions regarding sentence modification).

Indeed, for crimes in which the punishment exceeds one year of imprisonment, Connecticut law *requires* judges to order the preparation of a presentence investigation report (PSI). A PSI is a document prepared by the Office of Adult Probation that collects and summarizes information about the defendant and the crime from the defendant him or herself, the defendant’s family, and the victim or victim’s family, if any. The PSI also includes, among other things, information relating to the defendant’s upbringing, family life, educational and medical background, and prior involvement with the criminal justice system. In short, the information this bill purports to allow a defendant present in front of a sentencing court already can be put in front of a sentencing court.

Second, the changes proposed in S.B. No 1502, particularly the specific sentence reductions included in Section 1, appear to be arbitrarily selected and lacking a thorough analysis of their implications. For instance, reducing a life sentence to thirty years based solely on the defendant’s status as a survivor does not align with the principles of proportionality in sentencing. Such reductions may undermine the seriousness of certain crimes and fail to account for the broader context of victims’ rights and public safety.

Third, the proposed categories of sentence reductions in Section 1 do not adequately reflect the varying degrees of offenses and circumstances involved. In addition, they do not necessarily provide relief to a survivor defendant convicted of multiple offenses because our sentencing law permits sentences to be imposed consecutively regardless of status. Each case is unique, and a one size fits all approach risks oversimplifying the complexities of domestic violence, sexual assault, stalking and human trafficking and their impact on survivors. It is essential that the legal system retains flexibility to impose sentences that appropriately reflect the nature of the crime and the circumstances surrounding it.

Lastly, the bill inadvertently may produce the opposite of its intended effect and *discourage* survivors from coming forward as they might fear being judged solely on their victim status rather than the context of their actions. A more effective approach would be to strengthen existing support systems and ensure that survivors have access to the resources they need instead of building into a process that already provides for sentencing courts to account for a defendant’s domestic violence, sexual assault, stalking or human trafficking status an additional burdensome and unnecessary procedure.



## TESTIMONY ON SB 1502 Domestic Violence Survivors Justice Act (DVSJA)

Joint Committee on Judiciary  
Legislative Office Building, Room 2C  
Hartford, CT 06106

### IN SUPPORT

March 17, 2025

Submitted by:

Kate Mogulescu  
(kate.mogulescu@brooklaw.edu)  
*Legal & Policy Director, Survivors Justice Project  
Professor of Clinical Law, Brooklyn Law School*

Dear Co-Chair Winfield, Co-Chair Staffstrom, Vice Chair Flexer, Vice Chair Gadkar-Wilcox, Vice Chair Fazzino, and Esteemed Members of the Joint Committee on Judiciary,

The Survivors Justice Project (SJP) strongly supports SB 1502, a crucial reform that would allow **survivors of domestic violence, stalking, sexual assault, and/or trafficking** who were arrested, prosecuted and sentenced as a result of actions related to their abuse an opportunity for sentence modification, parole, or commutation hearings. It would also allow judicial discretion for future cases that would otherwise require a mandatory minimum sentence be applied. Having worked on this issue in New York and now around the country, we see how critical reforms like SB 1502 are for survivors.

SJP is a collective of activists, lawyers, social workers, students, and researchers—many of whom are survivors of domestic violence and long-term incarceration – that has been leading the implementation of New York’s Domestic Violence Survivors Justice Act (DVSJA) since it was enacted in 2019. Several members of our team were involved in the campaign to pass the law in New York as part of the Coalition for Women Prisoners and several other members have benefitted from DVSJA relief. SJP functions as a central clearinghouse for DVSJA-related work, offering resources, training and technical assistance. We are also the only entity collecting data examining the DVSJA’s impact in New York.

As we described in our 2023 report, *Sentencing Reform for Criminalized Survivors: Learning from New York’s Domestic Violence Survivors Justice Act*:

Survivors of domestic violence – meaning both survivors of family and intimate partner abuse – are all too often punished by the criminal legal system. The criminalization of survivors, particularly women of color, is well-documented.



Abuse and exploitation lead to criminalization through multiple, often overlapping, pathways. For instance, abusive partners or other family members

may force survivors to participate in illegal conduct, vulnerable survivors may engage in crimes for their survival, or trauma may result in a substance use disorder or post-traumatic stress disorder (PTSD), the symptoms of which may cause criminal legal involvement. And once survivors come into contact with the criminal legal system, an array of structural, systemic, psychological, and legal barriers typically prevent them from being recognized as survivors and avoiding severe punishment. (footnotes omitted).<sup>1</sup>

New York's DVSJA is codified in N.Y. Penal Law § 60.12 and Criminal Procedure Law § 440.47. Like SB 1502, it creates a prospective path to reduced sentencing and a retroactive remedy for survivors already serving sentences for offenses that occurred before the law went into effect. At essence, NY's DVSJA:

was intended to give the courts discretion to ameliorate the harsh effects of lengthy, mandatory sentences for victims of domestic violence where that violence was a significant contributing factor to their criminal behavior. The legislation neither exonerates a defendant nor excuses her criminal conduct. It simply permits a court to impose, or in cases where a defendant already has been sentenced, to reduce a sentence in consideration of that defendant's status as a domestic violence victim.<sup>2</sup>

With respect to the resentencing provision of NY's DVSJA, 70 survivors have been granted some form of a sentence reduction after filing a DVSJA application. Many of these survivors have become part of SJP's community, where they share their experiences with accessing the law and successfully reentering society. Together, the DVSJA saved 188 years from what would have otherwise been their earliest possible release date. Additionally, had these 70 survivors been sentenced under the DVSJA to begin with, it would have avoided over 516 years of incarceration.

Passage of the DVSJA in Connecticut will make state law more aligned with the lived experiences of survivors. SB 1502 recognizes that there are a number of reasons why a person's experiences of survivorship directly influences their participation in a criminal offense but does not come to the surface during a prosecution or align with existing defenses. These include the pernicious impact of plea bargaining, lack of effective defense representation, fear of retaliation or other harmful consequences for family members and loved ones (in, for example, the family

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<sup>1</sup> Liz Komar, Alexandra Bailey, Clarissa Gonzalez, Elizabeth Isaacs, Kate Mogulescu and Monica Szlekovics, *Sentencing Reform for Criminalized Survivors: Learning from New York's Domestic Violence Survivors Justice Act* (April 2023), available at: <https://www.sjpny.org/sentencing-reform>.

<sup>2</sup> People v. Smith, 132 N.Y.S.3d 251, 254 (Erie County Court 2020).



regulation or immigration systems), or the simple reality that many survivors of domestic violence, sexual assault and human trafficking do not see themselves as survivors

The DVSJA ensures that the unique and complex experiences of domestic violence survivors are being taken into consideration as part of sentencing and parole. It also ensures that Connecticut's laws continue to keep pace with our evolving understanding of domestic violence, stalking, sexual assault, and trafficking. For these reasons, the Survivors Justice Project strongly urges the Committee to vote favorably on SB 1502.

We would be thrilled to share more of our experience in New York to inform your efforts. Please contact us if you would like any more information.



### Testimony in Support of SB 1502

**An Act Concerning Sentence Reduction or Relief for Survivors of Domestic Violence, Sexual Assault, Stalking or Human Trafficking**  
**Erin Williamson, LCSW, MPA, Chief Programs and Strategy Officer**  
**Judiciary Committee, March 17, 2025**

Chairs Winfield and Stafstrom, Vice-Chairs Flexer, Gadkar-Wilcox, and Fazzino, ranking members Kissel and Fishbein, and members of the Judiciary Committee. My name is Erin Williamson, and I have the privilege to serve as the Chief Programs and Strategy Officer at Love146, a Connecticut-based non-profit providing direct services to children and youth who have experienced trafficking victimization throughout our state.

Since joining Love146 in 2014, I have led the development, implementation, and operation of Love146's Connecticut Survivor Care Program, which has provided direct services to **over 1,000 suspected and confirmed victims of child sex trafficking across the state of Connecticut.**

I strongly urge you to **support Raised Bill No. 1502**, which recognizes the critical need to address the unique circumstances of survivors of human trafficking and other forms of abuse who, as a direct result of their victimization, have become entangled in the criminal justice system. The nature of trafficking victimization and the control and coercion traffickers exert over their victim can leave them vulnerable to criminal behavior that is not of their own choosing. Research and survivor narratives consistently illustrate that victims of trafficking often act under threat, force, or fraud.

Raised Bill No. 1502 recognizes this reality by allowing courts to consider a survivor's victimization when determining sentencing, ensuring that those who have already endured profound harm are not further punished by the legal system. This bill is a significant step toward justice, as it acknowledges the profound impact of trauma and coercion on a survivor's actions and provides a path toward sentencing relief for those who have been criminalized for acts committed as a result of their exploitation. Additionally, this bill aligns with national best practices in addressing the intersection of human trafficking and the criminal justice system.

Love146 supports this legislation because it is both **just and necessary**. Survivors need access to trauma-informed legal pathways that Raised Bill No. 1502 will help ensure that the legal system serves not as another instrument of harm but as a vehicle for justice and healing.

I urge you and your colleagues to vote in favor of this critical legislation and stand with survivors of human trafficking and abuse. Thank you for your time and consideration.