



January 27, 2023

FOR IMMEDIATE RELEASE

SUPPORT *ALL* SURVIVORS OF DOMESTIC VIOLENCE: END THE OVERINCARCERATION AND CONTINUED ABUSE OF SURVIVORS

NEW LEGISLATION PROPOSED TO AID AN OVERLOOKED GROUP OF SURVIVORS

A bill to be introduced by Senator W Insvey Campos in the 2023 session of the Oregon Legislature will address the criminalization of survivors of domestic abuse. While attitudes towards and support for people who are victims of domestic violence have evolved, there is a group of survivors who are still failed by our community. Known as “survivor-defendants,” these are individuals who are defendants in criminal cases who are also survivors of domestic abuse and for whom that abuse was a contributing factor in the commission of their crimes.

Oregonians who are victims of domestic violence may become involved in crime for many reasons. An abusive partner may threaten them or their children with severe consequences if they refuse to break the law. The partner may deny their victim access to money and resources to such an extent that they must steal to meet basic needs. Alternatively, the victim of the abuse may take the blame for their partner’s lawbreaking out of fear.

Oregon’s criminal legal system does not adequately account for how survivors are impacted by domestic violence. Survivor-defendants are receiving harsh sentences that are unjust when the circumstances of their crimes are carefully considered. Survivors end up in prison where they are further traumatized by the prison environment and often do not receive the support they need to prepare for their return to the community.

To address the challenges faced by survivor-defendants and to correct the failure of Oregon’s sentencing laws to account for their situations, a new law is proposed:

1. The bill will require courts to consider at sentencing evidence of domestic violence. The bill will give the court discretion to impose a lesser sentence on a survivor-defendant when the presumptive or mandatory sentence would be unduly harsh in light of their circumstances.
2. The bill will allow convicted individuals to petition the court for resentencing if they did not previously present evidence of domestic violence at sentencing.

3. The bill will also create a taskforce to make recommendations to the Oregon Department of Corrections regarding programs and services needed to make sure that survivors leave prison ready to return to the community healthy and safely, and regarding changes needed in prison operations to prevent further re-traumatization of incarcerated survivors of domestic violence.

"Survivors like me shouldn't have to go to prison for 17 years of our lives. We and our children should be getting help," said Crystal Magaña, a formerly incarcerated woman who identifies as a survivor-defendant. "The system should be considering the situation surrounding the crime, see the problem, and sentence people in a way that acknowledges their trauma, the domestic violence, and the healing that is needed."

"Oregon must not continue to ignore what survivors need," said Senator Winsley Campos, Chief Sponsor of the bill. "Our legal system is contributing to the pain and trauma of survivors by not acknowledging their victimization during their sentencing. This bill will allow these Oregonians to be treated with dignity which they have long been denied."

"As someone who works with women in Oregon's prison system, I have been shocked at the way they as survivors of domestic abuse are treated by the state," said Julia Yoshimoto, attorney and Director of the Women's Justice Project of the OJRC. "I have seen how the state's use of the criminal legal system further abuses domestic violence survivors who became criminal defendants by virtue of the abuse they suffered."

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Note to editors: There is no bill number available yet for this bill.