

North Carolina Survivors' Justice Act

Between 74 and 95% of women incarcerated in the U.S. have experienced domestic or sexual violence. North Carolina can join states like Oklahoma and Georgia that have demonstrated bipartisan support in: (1) empowering survivors of human trafficking and domestic violence to show how the crime for which they are charged is entwined with their victimization; and (2) reducing instances of survivors serving long sentences for offenses resulting from their abuse.

The North Carolina Domestic Violence Commission has endorsed the NC Survivors' Justice Act as part of its FY2025-26 legislative agenda. While this bill will not have broad-sweeping impacts on the criminal justice system, it will make a life-changing difference for the small population of survivors in our state's prisons who would qualify for sentencing relief. For example, New York adopted similar legislation in 2019 and has only received 213 applications for resentencing relief (and granted 78) over the course of 6 years.

The Need

Society's understanding of the dynamics of human trafficking and domestic violence has evolved greatly in the past decades, but the law has not fully caught up. North Carolina's laws must improve to reduce lengthy sentences for survivors who face prosecution resulting from acts they committed as a result of abuse they suffered.

Key Impacts of S.B. 676

Sentence Mitigation: If a survivor is convicted of an offense despite their history of abuse, relevant evidence should inform their sentence, in the first instance and upon resentencing.

- Allows survivors to present relevant evidence to depart from mandatory minimums and ensure appropriate sentences.
- Enables those currently in prison to request resentencing based on meeting a high evidentiary standard or the exercise of prosecutorial discretion.

Additional Proposed Language

Self-Defense: The self-defense statute can better reflect current understandings of human trafficking and domestic violence. Current law limits the manner and contexts in which defending oneself from abuse may be considered self-defense. Additional changes would:

- Allow courts to consider the viewpoint of a reasonable person experiencing abuse in determining whether that person acted to defend themselves.
- Ensure that evidence of abuse is relevant and admissible towards establishing a self-defense claim.

Opportunities for Reduced Sentences:

- Introduce a new statutory mitigating factor that judges may find in their discretion to reduce prison sentences for survivors.

Lead Partners

North Carolina Domestic Violence Commission
North Carolina Coalition Against Sexual Assault (NCCASA)
Conservatives for Criminal Justice Reform
Forward Justice