HB 582: Georgia Survivor Justice Act

Between 74-95% of women who are incarcerated have experienced domestic or sexual violence. Georgia can join states like Oklahoma in stopping survivors from receiving convictions and serving long sentences that directly result from their survival of abuse.

The Survivor Justice Initiative's partner organizations work alongside impacted individuals, communities, and system stakeholders to enable the criminal justice system to better consider the circumstances and context of defendant survivors.

THE NEED

Society's understanding of the dynamics of domestic violence has evolved greatly in the past decades, but the law has not fully caught up. While the Survivors First Act helps ensure trafficking survivors do not receive convictions for conduct directly related to being a victim of trafficking, Georgia law must improve to prevent convictions and lengthy sentences for domestic violence survivors who face prosecution resulting from trying to survive abuse.

MODERNIZING GEORGIA LAW

Updating the criminal code and sentencing statutes would allow survivors to have the full context of their situation considered at both trial and sentencing.

- **Recognizing Self Defense:** Current law limits both the manner and contexts in which abuse may be considered. The self-defense statute can better reflect current understanding of domestic violence.
    - Remove the limitation that evidence of abuse can only be offered to support self-defense in murder and manslaughter cases
    - Allow introduction of relevant family violence evidence and expert testimony based on modern scientific understanding
- **Acknowledging Coercion:** Updating the criminal code to better consider abuse experienced by a survivor will ensure those forced into actions as a result of abuse are not convicted for that conduct.
    - Allow survivors to provide context of why their action or inaction prevented death or great bodily injury to themselves or others
- **Enabling Sentence Mitigation:** If a survivor is convicted of an offense despite their history of abuse, relevant evidence should inform their sentence.
    - Allow survivors to present relevant evidence to depart from mandatory minimums and ensure appropriate sentences
    - Enable those currently in prison to request resentencing based on meeting an evidentiary standard or prosecutorial discretion

Want to learn more? ***GCADV.org/SJI***

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The Survivor Justice Initiative is an effort of the Georgia Coalition Against Domestic Violence, with the following lead partners: Georgia Justice Project, Igniting Hope Georgia, YWCA of Greater Atlanta's Georgia Women's Policy Institute, and Women on the Rise.