



## **POLICYMAKER'S GOAL 4.2**

## **JLM POLICY GOAL 6**



**State law should provide child sex trafficking survivors with an opportunity to seek relief from continued incarceration for crimes committed as a result of their victimization.**

**AN EFFECTIVE RESPONSE TO SURVIVORS WHO HAVE BEEN CRIMINALIZED DUE TO THEIR TRAFFICKING** victimization must ensure that the unique circumstances of each case are fairly considered. Many survivors facing lengthy sentences stemming from their experiences with trafficking were denied this opportunity, necessitating a legal remedy to prevent ongoing injustice.<sup>1</sup>

Although there has been greater understanding of the harm caused by prosecuting minors as adults and recognition that youthful decision-making and impulses should mitigate culpability,<sup>2</sup> states have, over recent decades, enacted laws that broaden the pathways for minors to be prosecuted in adult courts.<sup>3</sup> By expanding automatic transfers of minor defendants to adult court<sup>4</sup> and by not mandating that judges take into account the broader circumstances of these cases—such as prior trauma and victimization—states have exposed more young people who have experienced trafficking to the risk of adult prosecution. When transferred to adult court, these young defendants, charged with crimes committed while underage, face the same sentences as adults, including potential life sentences.<sup>5</sup>

At the same time, states have increased the enforcement of anti-trafficking laws<sup>6</sup> without implementing adequate protections to prevent the criminalization of trafficking survivors—many of whom are charged with crimes directly connected to their victimization. While the enactment of Safe Harbor laws has begun to provide important protections against unjust criminalization, these laws mostly address low-level offenses and rarely offer relief to survivors facing serious charges related to their trafficking experiences. Furthermore, Safe Harbor laws do not provide a means of relief for youth survivors who are already serving lengthy sentences.

Vacatur laws, intended as remedies for wrongful convictions, also fall short for young people sentenced as adults. In most states, these laws require individuals to serve their sentences before petitioning for vacatur, or they prohibit vacatur for the serious offenses that typically result in lengthy sentences. As a result, young people convicted as adults for crimes committed while minors are often left without the opportunity to seek a more equitable sentence.

To address this injustice, young people sentenced as adults—especially those serving long terms—require a mechanism to request reconsideration of their sentences. Resentencing laws, often referred to as "Second Look" laws, offer a vital opportunity for these individuals to ask courts to consider factors that were not fully weighed during their initial sentencing. These factors include the influence of age and developmental stage on decision-making, prior trauma and victimization, and the impact of early childhood experiences on their understanding of their actions. By allowing courts to revisit and potentially reduce sentences in light of these mitigating circumstances, resentencing laws can serve as a lifeline to incarcerated children and youth who are serving extended prison terms because of their trafficking victimization.

## DRAFTING CONSIDERATIONS:

TO ACCOMPLISH THIS POLICY GOAL, STATE LAW SHOULD...

- ▶ Allow a youthful offender to petition for resentencing if they committed an offense before reaching 25 years of age, and allow for an individual, regardless of age at the time of conviction, to petition for resentencing if evidence of abuse, trauma, or victimization was not presented at the time of sentencing.
- ▶ Do not require that a minimum term be served before resentencing can be sought, including not limiting relief until after the mandatory minimum portion of a sentence has been served.
- ▶ Extend relief to any offense committed as a result of trafficking victimization, including violent offenses and/or trafficking-related offenses.
- ▶ Ensure that an incarcerated survivor can initiate the process themselves.
- ▶ Explicitly state that the law applies to convictions and sentences imposed before the bill's enactment.
- ▶ Specify whether the person must be currently incarcerated, or if parole/probationers can also petition.

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- 1 See e.g., Alexis Martin (imprisoned over 12 years before being resentenced: <https://www.washingtonpost.com/nation/2025/08/04/alexis-martin-release/>), Sara Kruzan (imprisoned over 18 years before sentence was commuted: <https://www.kpbs.org/news/2013/10/31/sara-kruzan-killed-pimp-teen-goes-free>), Cyntoia Brown-Long (served 15 years before receiving clemency: <https://www.npr.org/2019/08/07/749025458/cyntoia-brown-released-after-15-years-in-prison-for-murder>), Zephi Trevino (currently serving a 12 year sentence: <https://www.washingtonpost.com/nation/2023/08/23/zephaniah-zephi-trevino-sentenced-prison/>), Tiffany Simpson (served 11 years before being resentenced: <https://www.washingtonpost.com/dc-md-va/2023/04/25/sex-trafficked-teen-tiffany-simpson/>).
  - 2 Harvard Petrie-Flom Center (2023). *Children Tried as Adults: Transfer Laws and Neuroscience*. Available at: <https://petrieflom.law.harvard.edu/2023/04/19/trying-and-sentencing-youth-as-adults-key-takeaways-from-recent-petrie-flom-center-event/>
  - 3 Griffin, Patrick, Addie, Siobhan, Adams, Ben, & Firestine, Kathy (2011). *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*. Office of Juvenile Justice and Delinquency Prevention (OJJDP).
  - 4 See issue brief for Policy Goal #4 for further discussion on how state law can protect minors from being prosecuted as adults.
  - 5 While the Supreme Court decisions in *Graham v. Florida*, 130 S.Ct. 2011 (2010), and *Miller v. Alabama*, 132 S.Ct. 2455 (2012) banned sentencing juvenile defendants to life without parole in non-homicide cases, and mandatory life without parole for juvenile defendants in homicide cases, judges still have discretion to sentence a juvenile defendant to life without parole in homicide cases, unless the state has prohibited juvenile life without parole under state law or by state level precedent. See e.g., *Comer v. State*, 249 N.J. 359 (2022) (established that resentencing could be sought after 20 years if the defendant was under 18 at the time of the offense). See also, The Campaign for the Fair Sentencing of Youth's map of state JLWOP laws: <https://cfsy.org/map2023/>
  - 6 Human trafficking data collection activities, 2024, Bureau of Justice Statistics, <https://bjs.ojp.gov/library/publications/human-trafficking-data-collection-activities-2024> (last visited Jul 6, 2025).