

Justice for Survivors of Gender-based Violence

Support
HB 4847

Chief Sponsor:
Rep Kelly Cassidy

See us. Hear us. Believe us. Free us.

Survivors of sexual assault, sex trafficking and domestic abuse are literally in a fight for their lives every day. Instead of safety and support, many have gotten prison - even for crimes of their abusers.

1

PROVIDES CLARITY & CONSISTENCY IN THE GENDER-BASED VIOLENCE RESENTENCING LAW

While the State of Illinois created a path to request resentencing for incarcerated survivors of gender-based violence in 2015, technical ambiguities have prevented most from accessing the justice they deserve. In fact, only 4 known survivors have been able to gain relief from the law as currently written. This bill represents a “fix” to align the law to the original legislative intent.



Removes ambiguity in timing of when petitions can be filed.

Courts have interpreted the law to require filing within two years of conviction. However, the intent was to allow survivors - many who were convicted decades prior - to request review of the sentence when gender-based violence was not considered when charged or sentenced. This is aligned with the post-partum resentencing provisions in the same Act.



Clarifies amount of evidence presented at original sentencing.

The law currently states that a survivor is only eligible if NO evidence of domestic violence was presented. This bill changes it to no substantial evidence or incomplete evidence of gender-based violence was presented in the original sentencing.



Ensures survivors of gender-based violence are eligible.

It removes the requirement that only violence by intimate partners be considered. It also changes the term “domestic violence” to “gender-based violence,” using pre-existing definitions in the Illinois Domestic Violence Act and the Criminal Code of 2012. Gender-based violence is more inclusive of the different forms of harm committed that can include domestic violence and sexual violence.

2

PROVIDES A DEFENSE TO ACCOUNTABILITY FOR SURVIVORS CHARGED WITH CRIMES OF OTHERS

This bill adds a defense to accountability when the participation in the offense was a result of coercion or compulsion, including when related to domestic violence which can involve threats to a victim’s life, that of their children, or their safety.

SEE ME

Tameka



I spent years in foster care being raped, molested, and trafficked. When I turned 18, my mom set me up with her dope dealer. Like so many others in my life, he was abusive and also began trafficking me. I had a five-month-old baby at the time, and sometimes I was afraid for my life. He and his cousin planned to rob some johns and I knew I couldn't say no when he told me to arrange for them to come meet me.

When they arrived, I didn't want to open the door, but I knew that my baby was in the other room, and that my boyfriend would do something to me and my son if I refused. After I let them in, they were robbed and one of them escaped. My trafficker's cousin gave chase, shot, and killed him, also getting into a shoot out with an off-duty police officer. The cousin who was trafficking us died, but the police officer survived.

I had been trafficked, subject to every type of abuse possible, and was trying to protect myself and my baby, but I was charged with murder and attempt murder and armed robbery. I was sentenced to 50 years and will be 68 years old before I can be released. What happened is an absolute tragedy, but I was a victim, too. I wasn't the one who killed anyone. I wasn't even present during the shootout. I was involved in the robbery, even though I was being trafficked and abused, and I accept that responsibility.

HEAR ME

Judy



I remember the first time I heard the term domestic violence and its association in my life, but I hadn't realized what came along with it. The physical, mental, emotional, and sexual abuse was so unbearable at times... but I stayed at first out of what I thought was love, then it was fear.

One day my abuser and his friend threatened me at gunpoint and forced me to serve as bait for a robbery. After the fact, I voluntarily shared everything with the police. I poured out every ugly detail to them, and truly thought they would help me, but I was wrong. Even after seeing past mugshots and hospital records of me beaten black and blue, and even though no one - besides me - was even harmed during their robbery... my abuse was never shared with the court, and I was sentenced to more time than my abuser and his friend. That's when I became a prisoner and a victim again, but this time to the system.

It was not until after I was in prison that I learned about the DV resentencing law. With support from CGLA, I became the first woman in Illinois history to have the opportunity to tell my story of abuse and to be freed from prison under this law. While I have reclaimed my life and am finally free of the abuse from everybody, including the system that sought to punish me instead of help, this whole experience robbed so much from me. I still struggle to reestablish a relationship with my child—one shattered the years I was away.

BELIEVE ME

Amber



I'm a veteran and was active duty in Iraq. While in the military, I experienced "military sexual trauma" (MST) when two officers raped me, which later led to me being diagnosed at the VA with post-traumatic stress disorder (PTSD). Years later, a mother of three children, and a survivor of still more abuse, I turned to addiction to self-medicate my trauma.

During my addiction, the police witnessed me participating in a burglary, and an officer chased me down and tackled me. I honestly don't remember what happened at that point, because the man grabbing me triggered my military sexual trauma, and I started to struggle for my life. I know the officer's gun discharged during our struggle from inside his holster, but no one was struck or injured. However, I was charged with aggravated discharge of a weapon to a peace officer, disarming a peace officer, and residential burglary and sentenced to 11 years in prison. I'm not excusing what happened, but I wish someone had considered my sexual trauma from serving our country and why I reacted like I did.

HB 4847 is endorsed by:

