

Trafficking Law Center

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March 28, 2023

TO: Senate Judiciary Committee

RE: Joel Shapiro, Executive Director, Trafficking Law Center, written testimony
in support of SB 1070

Chair Prozanski and Members of the Senate Judiciary Committee:

The Trafficking Law Center strongly supports SB 1070. The Trafficking Law Center works to support human trafficking victims and survivors by providing *pro bono* legal services, trauma-informed training for attorneys, and educating the public and policymakers on trafficking issues.

SB 1070 recognizes that for victims of violence and coercion, the significant effects of that trauma are often not taken into account by the criminal justice system when imposing sentences for criminal convictions. By acknowledging this type of pressure often leads to a defendant engaging in criminal conduct that they otherwise would not have, SB 1070 moves Oregon's criminal justice system towards being more trauma-informed and considering a broader context than it has in the past.

SB 1070 would give individuals who've experienced physical, sexual, psychological, and other forms of abuse the right to have evidence of that abuse considered at sentencing – or at resentencing, if they were previously sentenced. In order for SB 1070 to apply, the abuse must have been a significant contributing factor to the defendant's criminal behavior and the abuse must have been inflicted by an intimate partner or a family or household member.

While the bill does not specifically include the term sex trafficking, we want to make clear to members of the Oregon Legislature that nearly all victims of sex trafficking fall within the criteria in Section 1, subsection (1) of the bill. Sex trafficking victims are frequently prosecuted for criminal activity that they were coerced to commit by their trafficker.

Nearly all victims of sex trafficking are in an intimate relationship with their trafficker. Nearly all victims of sex trafficking are subjected to the types of abuse listed in the legislation: physical, sexual, and psychological. In the context of human trafficking, this is part of the phenomenon known as "trauma bonding" and is a powerful component of the dominion and control traffickers exert over victims.

The Trafficking Law Center submits this testimony for the legislative record to make clear to all judges, prosecutors, and criminal defense attorneys participating in any sentencing or resentencing hearing pursuant to SB 1070 that the mitigation requirement of the statute applies as equally to victims of sex trafficking as to victims of domestic violence, provided the three circumstance listed in Section 1, subsection (1), are established by a preponderance of evidence.