

118TH CONGRESS
2D SESSION

H. R. 8615

To authorize the court to impose a sentence that is below the minimum
statutory sentence in the case of a victim offender.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2024

Mr. MORELLE (for himself and Mrs. DINGELL) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To authorize the court to impose a sentence that is below
the minimum statutory sentence in the case of a victim
offender.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice in Sentencing
5 for Survivors Act of 2024”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Although the United States has less than 5
9 percent of the world’s population, the United States
10 has one of the highest rate of incarceration in the

1 world, with over 1,900,000 people incarcerated in
2 state and Federal prisons, local jails, juvenile correc-
3 tional facilities, immigration detention facilities, and
4 jails operated by Tribal authorities.

5 (2) Between 1980 and 2021, the number of in-
6 carcerated women increased by more than 525 per-
7 cent, rising from a total of 26,326 in 1980 to
8 168,449 in 2021.

9 (3) More than 79 million people in the United
10 States have a criminal record, creating barriers to
11 housing, jobs, healthcare, and food assistance,
12 among many other collateral consequences.

13 (4) Survivors of abuse and sex trafficking are
14 often punished by the United States legal system.

15 (5) One study found, of incarcerated women—

16 (A) 86 percent report having experienced
17 sexual violence in their lifetime;

18 (B) 77 percent report partner violence; and

19 (C) 60 percent report caregiver violence.

20 (6) Rates of childhood and adult trauma are
21 notably elevated among incarcerated men.

22 **SEC. 3. SENTENCING OFFENDERS WHO ARE SURVIVORS OF**
23 **ABUSE.**

24 (a) SENTENCING VICTIM OFFENDERS.—Notwith-
25 standing any other provision of law, in the case of a victim

1 offender, the court shall have the authority to impose a
2 sentence that is below the minimum sentence established
3 by statute in consideration of any sexual assault, stalking,
4 dating violence, domestic violence, or severe forms of traf-
5 ficking in persons experienced by the victim offender.

6 (b) IMPOSING ALTERNATIVE SENTENCE.—Notwith-
7 standing any other provision of law, the court shall have
8 the authority to impose a sentence of probation, commu-
9 nity confinement or a combination thereof, in consider-
10 ation of any sexual assault, stalking, dating violence, do-
11 mestic violence, or severe forms of trafficking in persons
12 experienced by the victim offender.

13 (c) CERTAIN CONSIDERATIONS.—A victim offender
14 may be eligible for the imposition of a sentence pursuant
15 to subsection (a) or an alternative sentence pursuant to
16 subsection (b) even if—

17 (1) any sexual assault, stalking, dating violence,
18 domestic violence, or severe forms of trafficking in
19 persons experienced by victim offender—

20 (A) did not result in physical injury;

21 (B) was not experienced for a long period
22 of time; or

23 (C) did not occur contemporaneously with
24 the commission of the offense; or

1 (2) the offense was committed against someone
2 other than the perpetrator of the sexual assault,
3 stalking, dating violence, domestic violence, or severe
4 forms of trafficking in persons experienced by the
5 victim offender.

6 (d) CONSIDERATION OF CERTAIN EVIDENCE.—

7 (1) IN GENERAL.—The victim offender’s ability
8 or failure to offer evidence to the court prior to sen-
9 tencing with respect to any sexual assault, stalking,
10 dating violence, domestic violence, or severe forms of
11 trafficking in persons experienced by the victim of-
12 fender shall not determine their eligibility for the im-
13 position of a sentence pursuant to subsection (a) or
14 an alternative sentence pursuant to subsection (b).

15 (2) AFFIDAVIT.—In determining whether relief
16 is appropriate under subsection (a) or (b), the court
17 may consider an affidavit that demonstrates, by a
18 preponderance of the evidence, that the victim of-
19 fender has experienced physical, emotional, sexual,
20 or psychological abuse, trauma, or neglect.

21 (e) APPLICABILITY.—

22 (1) PENDING CASES.—This Act shall apply to
23 any sentence imposed on, or after the date of the en-
24 actment of this Act.

1 (2) PAST CASES.—In the case of a victim of-
2 fender who, before the date of enactment of this Act,
3 was convicted or sentenced for a Federal offense, the
4 sentencing court may, on motion of the victim of-
5 fender, the Bureau of Prisons, the attorney for the
6 Government, or on its own motion, impose a sen-
7 tence in accordance with subsections (a) or (b).

8 (f) DIRECTIVE TO UNITED STATES SENTENCING
9 COMMISSION.—Pursuant to its authority under section
10 994(p) of title 28, United States Code, the United States
11 Sentencing Commission shall review and amend the Fed-
12 eral sentencing guidelines and the policy statements of the
13 Commission, as appropriate, to include as a factor to be
14 considered in imposing a sentence any sexual assault,
15 stalking, dating violence, domestic violence, or severe
16 forms of trafficking in persons experienced by a victim of-
17 fender.

18 (g) DEFINITIONS.—In this Act:

19 (1) DATING VIOLENCE.—The term “dating vio-
20 lence” means violence committed by a person—

21 (A) who is or has been in a social relation-
22 ship of a romantic or intimate nature with the
23 victim; and

1 (B) where the existence of such a relation-
2 ship shall be determined based on a consider-
3 ation of the following factors:

4 (i) The length of the relationship.

5 (ii) The type of relationship.

6 (iii) The frequency of interaction be-
7 tween the persons involved in the relation-
8 ship.

9 (2) DOMESTIC VIOLENCE.—The term “domestic
10 violence” includes felony or misdemeanor crimes
11 committed by a current or former spouse or intimate
12 partner of the victim under the family or domestic
13 violence laws of the jurisdiction receiving grant fund-
14 ing and, in the case of victim services, includes the
15 use or attempted use of physical abuse or sexual
16 abuse, or a pattern of any other coercive behavior
17 committed, enabled, or solicited to gain or maintain
18 power and control over a victim, including verbal,
19 psychological, economic, or technological abuse that
20 may or may not constitute criminal behavior, by a
21 person who—

22 (A) is a current or former spouse or inti-
23 mate partner of the victim, or person similarly
24 situated to a spouse of the victim;

1 (B) is cohabitating, or has cohabitated,
2 with the victim as a spouse or intimate partner;

3 (C) shares a child in common with the vic-
4 tim; or

5 (D) commits acts against a youth or adult
6 victim who is protected from those acts under
7 the family or domestic violence laws of the ju-
8 risdiction.

9 (3) SEX OFFENSE.—The term “sex offense”
10 shall have the meaning given such term in section
11 111 of the Adam Walsh Child Protection and Safety
12 Act of 2006 (34 U.S.C. 20911).

13 (4) SEXUAL ASSAULT.—The term “sexual as-
14 sault” means any nonconsensual sexual act pro-
15 scribed by Federal, tribal, or State law, including
16 when the victim lacks capacity to consent.

17 (5) SEVERE FORMS OF TRAFFICKING IN PER-
18 SONS.—The term “severe forms of trafficking in
19 persons” shall have the meaning given such term in
20 section 103 of the Trafficking Victims Protection
21 Act of 2000 (22 U.S.C. 7102).

22 (6) STALKING.—The term “stalking” means
23 engaging in a course of conduct directed at a spe-
24 cific person that would cause a reasonable person
25 to—

1 (A) fear for his or her safety or the safety
2 of others; or

3 (B) suffer substantial emotional distress.

4 (7) VICTIM OFFENDER.—The term “victim of-
5 fender” includes an individual—

6 (A) who has experienced sexual assault,
7 stalking, dating violence, domestic violence, or
8 severe forms of trafficking in persons;

9 (B) for whom such abuse was a significant
10 contributing factor in the offender’s criminal
11 behavior; and

12 (C) who has not been convicted of a sex of-
13 fense.

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