



TESTIMONY IN SUPPORT OF HOUSE BILL 337:

Criminal Procedure - Sentencing - Primary Caretaker

TO: Hon. Luke Clippinger, Chair, and Members of the House Judiciary Committee

FROM: Nicole Hanson-Mundell, Executive Director

DATE: January 8, 2022

Out for Justice, Inc. (OFJ) is an organization comprised of individuals who are both directly and indirectly impacted by the criminal legal system advocating for the reform of policies and practices that adversely affect successful reintegration into society. House Bill 337 will allow people convicted of non-violent offenses to file a motion post-conviction requesting that their primary caretaker status to a dependent child or vulnerable adult be considered during sentencing. We support this bill because it supports the health and advancement of women involved in the criminal legal system, many of whom are survivors of human trafficking. The majority of women in jails and prisons in the U.S. each year are considered the primary caretakers for their children.

Having an incarcerated parent is classified as an Adverse Childhood Experience (ACE) by the Centers for Disease Control, and has been linked with a host of physical and mental health consequences, including but not limited to asthma, depression, increased aggression, substance abuse disorder, and PTSD. Beyond health consequences, the children of incarcerated parents have also been shown to have higher rates of poverty, poor school performance and/or dropping out, becoming incarcerated themselves, and homelessness.

HB337 would attempt to ameliorate this harm by requiring that the court take a defendant's role in parenting a child or caring for a vulnerable adult into sentencing. Upon conviction for a non-violent offense, a defendant would be permitted to file a motion declaring their role as primary caretaker in the life of a child or vulnerable adult. A judge could then consider whether or not a suitable community-based alternative to incarceration exists, such as job training, substance abuse treatment, or home confinement.

HB 337 will also have a strong positive impact on the lives of survivors of human trafficking, who are frequently charged with non-violent criminal offenses stemming from acts they were forced to commit by their traffickers, or from the instability that so often precedes or follows a trafficking experience. Data recently obtained from a national survey of both sex and labor trafficking survivors highlights the regularity with which survivors of trafficking are criminalized, with 91% of survivors reporting having been arrested at some point in their lives. Of that 91%, over 40% reported being arrested over nine times

or more, while 60% stated that they were arrested for a variety of crimes other than prostitution. Allowing for alternatives to incarceration will support these survivors' resiliency while at the same time allowing them to remain with their children, an outcome that benefits both children and parents.

OFJ supports House Bill 337 and respectfully urges a favorable report.