

LOUISIANA JUSTICE FOR SURVIVORS ACT



FAQS

Although our understanding of the impact of abuse and trafficking has evolved, Louisiana's criminal code has not evolved with it. Too often, this means that survivors of abuse face long prison sentences for actions directly stemming from their abuse—whether they were coerced by abusers into illegal activity, acted to protect themselves or loved ones, or acted in self-defense to escape violent situations—without courts ever hearing or being able to consider the full context of that abuse. ⁱ

The Louisiana Justice for Survivors Act balances accountability with justice for survivors by allowing judges to consider the consequences of abuse and violence (including domestic abuse, sexual assault, and human trafficking) when sentencing someone or re-evaluating an old sentence.

WHAT IS THE JUSTICE FOR SURVIVORS ACT?

The Justice for Survivors Act updates Louisiana sentencing law to account for defendants who are survivors of domestic violence, sexual assault, or human trafficking, when their abuse was a substantial contributing factor in the offense. **The bill has four key components:**ⁱⁱ

1. **Proof requirement:** Survivors must show by clear and convincing evidence that the abuse significantly contributed to the offense.
2. **Proportionate sentencing:** Judges are empowered to impose shorter, more proportional sentences that reflect the impact of abuse while maintaining accountability.
3. **Review of sentences:** Judges may also review past sentences for survivors of domestic abuse, human trafficking, or sexual assault, acknowledging that our knowledge of the profound impacts of abuse has changed in recent years.
4. **Evidentiary standards:** Courts may consider all relevant evidence, including expert testimony and police records, to corroborate a survivor's history of abuse.

WHO SUPPORTS THE JUSTICE FOR SURVIVORS ACT?

The Justice for Survivors Act is a **bipartisan bill** sponsored by Republican legislator Beth Mizell (SD-12) as a way to protect our most vulnerable victims of abuse and trafficking.

The bill has support from victim's groups like the Louisiana Coalition Against Domestic Violence, conservative groups like the Pelican Institute, and voters. The bill is the result of a recommendation from research done by the legislative **"Survivor Informed Task Force,"** which included victims' groups, law enforcement groups, and the Board of Pardons and Parole.ⁱⁱⁱ The 2023 Justice for Survivors Act received unanimous recommendation as a Legislative Priority from the Human Trafficking Prevention Commission.

Finally, polling shows that **Louisiana voters strongly back this law**, with 80% of voters (including 83% of Republicans and 80% of Democrats) saying they support allowing domestic violence victims to raise abuse in sentencing.^{iv}

WHY DOES LOUISIANA NEED THIS LAW?

The **2023 Louisiana Violent Crime Task Force Report** found that Louisiana needed to do a better job serving victims and incentivizing rehabilitation.^v The Justice for Survivors Act does both by creating a **narrow, evidence-based sentencing pathway** for survivors of abuse to apply for sentence reductions.

In many current cases, judges cannot consider abuse fully because of harsh mandatory minimum sentencing laws. For example:

- Louisiana's **second-degree murder statute** carries a mandatory life-without-parole sentence. That means a survivor who protects themselves from their abuser, but whose actions do not fit Louisiana's narrow self-defense laws, receives a life sentence.^{vi}
- Under Louisiana's **law of principals**, someone who played a minor role in a crime—such as driving a trafficker to a location—faces the same sentencing range as the trafficker.

Survivors who were already convicted may also apply for relief under this law, acknowledging that our knowledge of the profound impacts of abuse have changed over recent years.

Survivors of abuse need our support, not long prison sentences. This bill helps ensure that we do not wrongfully criminalize the survivors we should be trying to protect.

IS THIS A “GET OUT OF JAIL FREE” CARD?

No. Survivors are **not automatically entitled** to sentence reductions. A judge can only reduce a survivor's sentence if they produce evidence to show that they are an abuse victim, and meets a high standard of proof. The reduced sentence is proportionate to the original sentence and subject to statutory limits. **Abuse is considered a mitigating factor**, not an excuse. Expert judges in Louisiana courts already weigh mitigating factors such as age or mental illness when determining sentences.

We know from experience in other states that judges will not make these decisions lightly: for example, the similar Oklahoma Survivors' Act has thus far only led to the release of one person.^{vii}

WHO WILL THE JSA NOT APPLY TO?

The Justice for Survivors Act will **not** apply to capital convictions, offenses requiring sex-offender registration, or terrorism offenses.

It also has **multiple layers of protection** to ensure that individuals whose incarceration is not directly linked to abuse or trafficking cannot receive relief under this law.

DON'T SELF-DEFENSE OR COERCION LAWS ALREADY PROTECT SURVIVORS?

Not always. Existing laws focus on a single moment in time, requiring proof that a threat was immediate. But **abuse often occurs over months or years**, involving repeated coercion, psychological trauma, and violence.^{viii} Long-standing misconceptions and victim-blaming around abuse and domestic violence—especially for women—have also narrowed survivors' opportunities for resentencing.^{ix}

The Justice for Survivors Act updates our laws to ensure sentencing decisions reflect what we now know about the long-term dynamics of abuse.

WILL REDUCING SENTENCES FOR VIOLENT CONVICTIONS HARM PUBLIC SAFETY?

Research consistently shows that survivors prosecuted for crimes related to abuse represent **one of the lowest-risk populations in the criminal justice system.**^x They typically have little or no prior criminal history, no pattern of violence outside of the abusive relationship, and have extremely low recidivism rates.

Further, anyone sentenced under this bill will still receive a sentence, and extensive evidence shows that longer sentences do not deter crime.^{xi} For people being resentenced, the judges will consider participation in treatment and programming, thus incentivizing rehabilitation.

DO OTHER STATES HAVE SIMILAR LAWS?

Yes. **Georgia, Oklahoma, Illinois, New York, and California** have enacted survivor justice laws, and additional states are considering similar reforms.^{xii} Georgia and Oklahoma's laws passed with **strong bipartisan support**, and they were signed into law in 2024 and 2025, respectively. With the Justice for Survivors Act, Louisiana has the opportunity to **join this growing national movement** for safety, justice, and accountability.

- i. Liz Komar, Alexandra Bailey, and Clarissa Gonzalez, et al., Sentencing Reform for Criminalized Survivors Learning from New York's Domestic Violence Survivors Justice Act (Washington, DC: Sentencing Project, 2023), <https://www.sentencingproject.org/app/uploads/2024/02/Sentencing-Reform-for-Criminalized-Survivors.pdf>.
- ii. Louisiana SB 91 (2026).
- iii. Survivor Informed Task Force, Final Report and Recommendations (Baton Rouge, Louisiana: Louisiana State Legislature, 2022), <https://static1.squarespace.com/static/5fe0e9cce6e50722511b03cc/t/6205b3dad99c855aff36b447/1644540917259/2022.+Survivor+Informed+Task+Force+Final+Report.pdf>.
- iv. Poll by Preston Robinson, Actionable Intel, 12/16/2025-1/15/2026, n=1,020 registered Louisiana voters.
- v. Louisiana Violent Crime Task Force, Report to the Legislature (Baton Rouge, Louisiana: Louisiana State Legislature, 2023), <https://bloximages.newyork1.vip.townnews.com/thecentersquare.com/content/tncms/assets/v3/editorial/8/aa/8aa7b1b4-a66c-11ee-9419-07110e03dd33/658efc8955bf0.pdf.pdf>.
- vi. Mel Langness, Jahnvi Jagannath, and Evelyn F. McCoy, "Prisons Are Traumatizing, but It Is Possible to Reduce Some of Their Harm," Urban Institute, 2020, <https://www.urban.org/urban-wire/prisons-are-traumatizing-it-possible-reduce-some-their-harm>; and Nicholas Turner, "Research Shows That Long Prison Sentences Don't Actually Improve Safety," Vera Institute of Justice, February 13, 2023, <https://www.vera.org/news/research-shows-that-long-prison-sentences-dont-actually-improve-safety>.
- vii. Anne Uhlman, "What Oklahoma Loses When Survivors are Denied Justice," Oklahoma Appleseed, December 18, 2025, <https://www.okappleseed.org/articles/what-oklahoma-loses-when-survivors-are-denied-justice>.
- viii. Zoë Lewis Ewing, "Compassionate Causation in the Domestic Violence Survivors Justice Act," University of Chicago Law Review 92, no. 6 (2025), 1167-1712, <https://chicagounbound.uchicago.edu/uclrev/vol92/iss6/3>.
- ix. Michael A. Anderson, Paulette Marie Gillig, Marilyn Sitaker, et al., "Why Doesn't She Just Leave?: A Descriptive Study of Victim Reported Impediments to Her Safety," Journal of Family Violence 18 (2003), 151-155, <https://doi.org/10.1023/A:1023564404773>; Cornell Center on the Death Penalty Worldwide, Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty (Ithaca, New York: Cornell Law School, 2018), <https://dpw.lawschool.cornell.edu/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.
- x. Zoë Lewis Ewing, "Compassionate Causation," 2025.
- xi. Nicholas Turner, "Long Prison Sentences Don't Improve Safety," 2023.
- xii. Survivor Justice Initiative, "Survivor Justice Around the U.S.," Georgia Coalition Against Domestic Violence, accessed March 10, 2026, <https://gcadv.org/sji/sji-about/survivorjusticeus/>.