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**[DATE]**

The Honorable Chris R. Holden

Chair of the Assembly Appropriations Committee

1021 O Street, Suite 8220

Sacramento, CA 95814

**RE: AB 1497 - SUPPORT**

Dear Assemblymember Holden,

**[ORGANIZATION]** is pleased to support AB 1497 (Haney), which allows judges and juries to consider a survivor’s trauma and mental health condition and encourages judges to consider a survivor’s history of abuse when making sentencing decisions. AB 1497 is a common-sense, holistic, survivor-centered bill that will decrease long-term carceral costs, decrease recidivism, and increase healing and family reunification.

**[INFORMATION ABOUT YOUR ORGANIZATION AND WHY IT SUPPORTS AB 1497]**

In California, survivors of human trafficking, intimate partner violence, and sexual violence have the opportunity to present a defense called an affirmative defense if evidence establishes that the individual was coerced to commit the offense as a direct result of being victimized and the individual had a reasonable fear of harm. AB 1497 ensures that all survivors will be able to use the human trafficking and intimate partner violence affirmative defenses where relevant. These affirmative defenses can be litigated at the preliminary hearing and, if established, will not require future court hearings such as motion hearings, status conferences, jury trials, and sentencing hearings, thereby creating a cost savings in court time and personnel costs.

Providing mental health evidence and evidence of trauma will not require additional hearings, nor does it necessarily require expert testimony. Prosecutors and defense attorneys are already required to investigate whether a case is defensible and negotiate and defend cases from informed positions. Much of the relevant information may already be documented in evidence that is routinely introduced into court including child welfare, school, and probation records, testimony by family members, teachers, health care providers and neighbors on indicators of abuse, neglect, sexual violence, intimate partner violence, or human trafficking. AB 1497 merely makes the same evidence admissible for other purposes, and provides direction to parties within the criminal justice process on how the evidence must be used and considered.

Additionally, by encouraging mitigated sentencing for survivors based on their circumstances and experiences, AB 1497 has the potential to decrease state costs. Releases from prison will lead to a decrease in the average daily prison population and provide long-term savings for the state.

Vacatur laws remove previous arrests, charges or convictions from a person’s record and are a recognition that survivors were not responsible for the criminalized activity they were forced to engage in. Any costs associated with vacatur petitions will be minimal and offset or exceeded by the savings resulting from decreased court costs associated with litigation.

AB 1497 acknowledges the damage that abuse and violence inflicts on victims of intimate partner violence, human trafficking, and other forms of violent victimization. The bill will not dramatically increase costs and expenses for courts and local governments and will likely result in cost savings due to lower prison terms.

For these reasons, **[ORGANIZATION]** is pleased to support AB 1497 and respectfully requests your “Aye” vote.

Sincerely,

**[SIGNATURE]**

**[NAME]**

**[TITLE]**

**[ORGANIZATION]**

CC:

Assemblymember Megan Dahle

Assemblymember Isaac Bryan

Assemblymember Wendy Carrillo

Assemblymember Diane Dixon

Assemblymember Mike Fong

Assemblymember Lisa Calderon

Assemblymember Gregg Hart

Assemblymember Josh Lowenthal

Assemblymember Devon Mathis

Assemblymember Diane Papan

Assemblymember Gail Pellerin

Assemblymember Robert Rivas

Assemblymember Kate A. Sanchez

Assemblymember Akilah Weber, M.D.

Assemblymember Lori Wilson