MOST
POLICY INITIATIVE

Domestic Violence Survivors' Acts

How do domestic violence survivors' acts work?

Survivors' Acts allow courts to consider a person's abuse history at sentencing.

Survivors' Acts allow courts to issue a shorter sentence when a defendant's history of domestic violence played a role in their offense (GA Survivor Justice Act (GASJA) 2025, Oklahoma Survivors' Act (OKSA) 2024, NY Criminal Procedure § 440.47). GA, NY, and OK have Domestic Violence Survivors' Acts (GASJA 2025, OKSA 2024, NY Criminal Procedure § 440.47). These laws only apply to sentencing after conviction in NY and OK.

At a survivor's sentencing hearing, courts may review evidence that may not be permitted in criminal trials (OKSA 2024, NY Penal § 60.12). Admissible records can include medical files, police reports, protective orders, prior statements about the abuse, and expert testimony on the effects of battering or post-traumatic stress disorder.

Research Highlights

Survivors' Acts allow courts to reduce sentences when domestic abuse contributed to an offense.

GA, NY, and OK have used Survivors' Acts to resentence survivors who are already incarcerated.

In one study, 77% of incarcerated women reported experiencing abuse by their most recent partner.

Courts assess whether (GASJA 2025, OKSA 2024, NY Penal § 60.12):

- the defendant experienced substantial physical, sexual, or psychological abuse,
- the abuse contributed to the offense,
- a standard sentence would be excessive.

If all three criteria are met, the court may issue a shorter sentence. Persons convicted of first-degree murder, terrorism charges, or an offense requiring sex offender registration are not typically eligible (OKSA 2024, NY Penal § 60.12).

Survivors' Acts allow incarcerated survivors to petition for resentencing.

GA, NY, and OK allow people already serving sentences to seek resentencing for offenses occurring before the law took effect (GASJA 2025, OKSA 2024, NY Criminal Procedure § 440.47). In GA and OK, any person serving a sentence may apply. In NY, people serving sentences of eight years or more may apply.

October 28, 2026
Legislative Science Note

	NY	GA	OK
Who can apply	People serving sentences of eight years or more, for offenses before the law took effect	People serving sentences for offenses before the law took effect, or with new evidence not in the original record	People serving sentences for offenses before the law took effect
Evidence of abuse	At least two pieces, including one such as a court or hospital record	No specific record required	At least one piece, such as a court, hospital, or law enforcement record
Standard of proof	Not specified in the law	Evidence makes claim more likely than not	Evidence makes claim highly likely
If the criteria are met	Court may impose a shorter sentence	Court must reduce the sentence	Court must depart from the standard sentence

Table 1. Survivors' Acts conditions for resentencing in NY, GA, and OK. All three states allow people already serving sentences to petition for resentencing, but eligibility, required evidence, and the standard of proof differ (GASJA 2025, OKSA 2024, NY Criminal Procedure § 440.47).

Applicants must provide evidence of abuse as dictated by each state. In NY, they must provide at least two pieces of evidence of abuse, such as court, hospital, or law enforcement records (NY Criminal Procedure § 440.47). OK requires at least one of these as evidence of abuse (OKSA 2024). GA does not require specific documentation (GASJA 2025). All states allow additional evidence, such as records showing the applicant sought support from a social worker or domestic violence advocate (GASJA 2025, OKSA 2024, NY Criminal Procedure § 440.47).

GA, NY, and OK have resentenced people under their Survivors Acts. GA's first resentencing reduced a woman's life sentence to time served and released her after serving 23 years (Alston & Bird 2026). The first 40 people resentenced in NY received a combined 80 years off their sentences (Komar et al. 2023). OK's first resentencing reduced a woman's sentence to 30 years and released her as she had served 34 years (Appleseed Network 2025).

Domestic violence is common among incarcerated women.

Domestic violence, or intimate partner violence, is common among incarcerated women. In a study of 115 jailed women across five states, 77% reported prior partner violence (DeHart et al. 2014). In a study of 391 imprisoned women, 16% reported sexual abuse by a boyfriend or lover and 14% by a husband (McDaniels-Wilson and Belknap 2008).

Nationwide, about 34% of women and 17% of men have experienced intimate partner physical violence, sexual violence, or stalking (National Center for Injury Prevention and Control 2026). In MO, 47% of women and 21% of men in MO have experienced one or more of these behaviors. Victims of intimate partner violence reported experiencing a related impact, such as:

- fear and safety concerns,
- PTSD symptoms,
- injury requiring medical care,
- missing work or school.

MOST Policy Initiative is a 501(c)3 nonprofit organization that provides nonpartisan research information to members of the Missouri General Assembly upon request. This Science Note is intended for informational purposes and does not indicate support or opposition to a particular bill or policy approach. A full list of references used in this Science Note may be found at ***https://mostpolicyinitiative.org/science-note/domestic-violence-survivors-acts/****. Please contact info@mostpolicyinitiative.org with any questions.*