



MCEDV.

The Maine Coalition
to End Domestic Violence

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Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence

In SUPPORT of LD 1805: “An Act to Establish a Post-conviction Review Process for Crimes Committed by Victims of Sex Trafficking and Sexual Exploitation,” and LD 1871, “An Act to Permit Sealing Criminal History Record Information of Victims of Sex Trafficking or Sexual Exploitation”

Before the Joint Standing Committee on Judiciary
Monday, May 12, 2025

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)¹ in support of both LD 1805 and LD 1871, two proposals to provide long overdue criminal record relief for victims of sex trafficking and sexual exploitation.

- AAT Permit Sealing Criminal History Record Information (LD 1871) will expand Maine’s existing process for the sealing of criminal records to allow survivors of sex trafficking to have any criminal record sealed that they can establish was substantially connected to their trafficking victimization.
- AAT to Establish a Post Conviction Review Process for Crimes Committed by Victims of Sex Trafficking and Sexual Exploitation (LD 1805) recognizes that convictions for conduct that someone engaged in while being trafficked are unjust and creates a new post-conviction review process to allow survivors of sex trafficking to have these convictions reversed.

These proposals are complementary, with the intention to give each survivor the agency to choose the path that is right for them.

Sex trafficking victims live in every county in Maine. They seek support and services in every county. Addressing their needs is of statewide concern. Each year, Maine’s domestic violence resource centers support more than 250 people who identify as sex trafficking survivors. Services are provided in every county, in every quarter.

¹ MCEDV serves a membership of eight regional domestic violence resource centers as well two culturally specific service providers. Together, these programs provided services to more than 12,000 victims of domestic violence in Maine last year, including court advocacy services in the civil and criminal courts.

As a subset of crime victims, victims of sex trafficking experience extraordinarily high rates of having criminal convictions that are, for all practical purposes, a direct result of being a crime victim. In a national survey in 2023, **90% of all of the survivors who reported having been arrested reported that all or at least some of their convictions were related to their trafficking victimization.** Other research confirms the vast majority of trafficking survivors have some kind of criminal record as a result of their trafficking experience. **These are victims of crime who have criminal records as a result of the pattern and nature of the crime committed against them.**

In response, many states now have some kind of statute recognizing that survivors should not be held criminally liable for crimes they commit while under the control of their trafficker. **Maine is one of only 3 states that does not have some level of criminal record relief specific to trafficking survivors.**

As victim services providers, we know from our collective work with crime victims in Maine, to specifically include victims of sex trafficking and sexual exploitation, that criminal record relief is a priority for those survivors. Criminal convictions from the crimes human trafficking victims were compelled to commit perpetuates the cycle of revictimization by preventing victims from effectively rebuilding their lives.

As a result of crimes they committed while being a victim of sex trafficking, survivors are refused housing after a background check, entirely blocked from certain types of jobs (including some that they've gone to school to get degrees for years after), and are prevented from volunteering at their children's school or coaching youth sports. Some of you heard that directly from a room full of survivors in the 129th Legislature, in response to a bill was introduced by Representative Lois Reckitt to create a process for sex trafficking survivors to have their convictions "vacated." Sitting in the room listening to survivor after survivor it was impossible not to be moved by their public disclosures of how demoralizing and devastating it is to continue to experience systemic roadblocks to moving on with their lives because of criminal records that they have for really no other reason than they were crime victims. As service providers who work daily with trafficking survivors, we see how this creates a vicious cycle for survivors, where lack of access to resources and community supports increases vulnerability and marginalization. We need to create pathways for these crime victims to fully and finally heal. These two proposals accomplish that.

There is already precedent in our statutes that there must be a process for addressing unjust convictions, even when the person did, in fact, committed the act that serves as the basis for the conviction. It is not a radical idea. These proposals simply ask policymakers to embrace the reality that much of the crime committed by trafficking victims is committed while under a form of duress, and that the circumstances of their victimization will often mean that their safety and stability at the time of arrest and prosecution would be compromised by trying to assert a duress defense at the time. When safety and stability have been achieved, survivors



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of sex trafficking need to be able to similarly go back and address the injustice of their conviction.

We urge you to support both LD 1805 and LD 1871.

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