

# SENATE BILL 138

E2

(PRE-FILED)

6lr1078  
CF HB 84

By: Senator Henson

Requested: October 2, 2025

Introduced and read first time: January 14, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

## 1 AN ACT concerning

2      **Criminal Procedure – Sentencing – Domestic Violence as a Mitigating Factor**  
3      **(Providing Alternatives Through Healing for Justice-Involved Individuals**  
4      **(PATH) Act)**

5 FOR the purpose of authorizing the introduction of evidence that a certain defendant was  
6 the victim of domestic violence and that the domestic violence was a significant  
7 contributing factor to the commission of a certain crime as a mitigating factor at  
8 sentencing of the defendant or a hearing on a motion for modification or reduction of  
9 a sentence; establishing related procedures; and generally relating to criminal  
10 sentencing.

## 11 BY adding to

Article – Criminal Procedure  
Section 6–238  
Annotated Code of Maryland  
(2025 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

## Article – Criminal Procedure

19 6-238.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
21 INDICATED.

22 (2) "DOMESTIC VIOLENCE" MEANS ANY OF THE FOLLOWING ACTS  
23 COMMITTED AGAINST A VICTIM:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- (I) AN ACT THAT CAUSES SERIOUS BODILY HARM;
- (II) AN ACT THAT PLACES THE VICTIM IN FEAR OF IMMINENT HARM;
- (III) ASSAULT IN ANY DEGREE;
- (IV) RAPE OR SEXUAL OFFENSE UNDER § 3-303, § 3-304, § 08 OF THE CRIMINAL LAW ARTICLE OR ATTEMPTED RAPE OR IN ANY DEGREE;
- (V) FALSE IMPRISONMENT;
- (VI) STALKING UNDER § 3-802 OF THE CRIMINAL LAW ARTICLE;
- (VII) REVENGE PORN UNDER § 3-809 OF THE CRIMINAL LAW

(3) "PERPETRATOR" MEANS A PERSON ALLEGED TO HAVE COMMITTED DOMESTIC VIOLENCE.

(4) "VICTIM" MEANS:

- (I) A CURRENT OR FORMER SPOUSE OF A PERPETRATOR;
- (II) A COHABITANT OF A PERPETRATOR;
- (III) A PERSON RELATED TO A PERPETRATOR BY BLOOD, MARRIAGE, OR ADOPTION;
- (IV) A PARENT, STEPPARENT, CHILD, OR STEPCHILD OF A PERPETRATOR OR A PERPETRATOR'S SPOUSE OR FORMER SPOUSE WHO RESIDED WITH THE PERPETRATOR OR SPOUSE FOR AT LEAST 90 DAYS WITHIN 1 YEAR BEFORE THE FILING OF THE PETITION;
- (V) AN INDIVIDUAL WHO HAS A CHILD IN COMMON WITH A PERPETRATOR; OR
- (VI) AN INDIVIDUAL WHO HAS HAD A SEXUAL RELATIONSHIP WITH A PERPETRATOR WITHIN 1 YEAR BEFORE THE FILING OF THE PETITION.

**(B) THIS SECTION APPLIES TO THE FOLLOWING CRIMES:**

(1) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL ARTICLE, EXCEPT:

**(I) MURDER UNDER § 2-201 OR § 2-204 OF THE CRIMINAL LAW  
CLE;**

**(II) A VIOLATION OF TITLE 3, SUBTITLE 3 (SEXUAL CRIMES) OF CRIMINAL LAW ARTICLE; OR**

**(III) A VIOLATION OF TITLE 3, SUBTITLE 6 (ABUSE AND OTHER  
NSIVE CONDUCT) OF THE CRIMINAL LAW ARTICLE;**

(2) A VIOLATION OF TITLE 5 OF THE CRIMINAL LAW ARTICLE  
CONTROLLED DANGEROUS SUBSTANCES, PRESCRIPTIONS, AND OTHER  
TANCES) WHEN THE DEFENDANT WAS COMPELLED TO DISTRIBUTE,  
SPORT, OR POSSESS A CONTROLLED DANGEROUS SUBSTANCE ON BEHALF OF A  
ETRATOR;

(3) A VIOLATION OF TITLE 11, SUBTITLE 3 (PROSTITUTION AND RELATED CRIMES) OR TITLE 3, SUBTITLE 11 (HUMAN TRAFFICKING) OF THE FINAL LAW ARTICLE WHEN THE VIOLATION RESULTED FROM COERCION, NATION, OR COMPULSION BY A PERPETRATOR; AND

(4) WHEN COMMITTED IN WHOLE OR IN PART BY COERCION, TERROR, ECONOMIC ABUSE, OR OTHER CIRCUMSTANCES ARISING FROM DOMESTIC VIOLENCE:

**(I) A VIOLATION OF TITLE 3, SUBTITLE 7 (EXTORTION AND  
THREATS) OF THE CRIMINAL LAW ARTICLE:**

**(II) A VIOLATION OF TITLE 6, SUBTITLE 2 (BURGLARY AND  
TED CRIMES) OR SUBTITLE 4 (TRESPASS) OF THE CRIMINAL LAW ARTICLE:**

**(III) A VIOLATION OF TITLE 7 (THEFT AND RELATED CRIMES)  
THE CRIMINAL LAW ARTICLE:**

(IV) A VIOLATION OF TITLE 8, SUBTITLE 1 (BAD CHECKS), TITLE 2 (CREDIT CARD CRIMES), SUBTITLE 3 (IDENTITY FRAUD), OR SUBTITLE 4 (UTTERFEITING AND RELATED CRIMES) OF THE CRIMINAL LAW ARTICLE; AND

1 (v) AN ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT  
2 AN OFFENSE LISTED IN ITEM (I), (II), (III), OR (IV) OF THIS ITEM.

3 (C) (1) EVIDENCE THAT A DEFENDANT WAS THE VICTIM OF DOMESTIC  
4 VIOLENCE AND THAT THE DOMESTIC VIOLENCE WAS A SIGNIFICANT CONTRIBUTING  
5 FACTOR TO THE COMMISSION OF THE CRIME OF WHICH THE DEFENDANT HAS BEEN  
6 CONVICTED MAY BE INTRODUCED AS A MITIGATING FACTOR IN A PROSECUTION OF  
7 AN OFFENSE LISTED IN SUBSECTION (B) OF THIS SECTION AT:

8 (I) SENTENCING; OR

15 (D) EVIDENCE INTRODUCED UNDER SUBSECTION (C) OF THIS SECTION MAY  
16 INCLUDE RECORDS, REPORTS, OR TESTIMONY FROM:

17 (1) THE DEFENDANT:

**(2) THE DEFENDANT'S FAMILY MEMBERS OR FRIENDS:**

19 (3) LAW ENFORCEMENT OFFICERS:

#### (4) MEDICAL PROFESSIONALS:

**(5) COUNSELORS, ADVOCATES, OR SOCIAL WORKERS; OR**

(6) ANY OTHER SOURCE THE COURT CONSIDERS RELEVANT

(E) THE DEFENDANT HAS THE BURDEN TO ESTABLISH

24 PREPONDERANCE OF THE EVIDENCE, THAT DOMESTIC VIOLENCE WAS A  
25 SIGNIFICANT CONTRIBUTING FACTOR TO THE DEFENDANT'S COMMISSION OF THE  
26 CRIME.

27 (F) (1) IF THE COURT FINDS THAT DOMESTIC VIOLENCE WAS A  
28 SIGNIFICANT CONTRIBUTING FACTOR TO A DEFENDANT'S COMMISSION OF THE  
29 CRIME, THE COURT SHALL:

30 **(I) TREAT THE DOMESTIC VIOLENCE AS A MITIGATING FACTOR**

1 IN SENTENCING; AND

2 (II) CONSIDER WHETHER IT IS WARRANTED TO DEPART FROM:

3 1. A MANDATORY MINIMUM SENTENCE; OR

4 2. THE SENTENCING GUIDELINES.

5 (2) IF THE COURT FINDS THAT DOMESTIC VIOLENCE WAS A  
6 SIGNIFICANT CONTRIBUTING FACTOR TO THE DEFENDANT'S COMMISSION OF THE  
7 CRIME, THE COURT MAY IMPOSE A SENTENCE:

8 (I) LESS THAN THE MANDATORY MINIMUM SENTENCE  
9 REQUIRED BY LAW;

10 (II) BELOW THE SENTENCING GUIDELINES; OR

11 (III) THAT IS OTHERWISE JUST AND APPROPRIATE IN LIGHT OF  
12 THE CIRCUMSTANCES.

13 (3) THE COURT SHALL STATE ON THE RECORD THE REASONS FOR ITS  
14 DECISION, INCLUDING WHETHER DOMESTIC VIOLENCE WAS FOUND TO BE A  
15 MITIGATING FACTOR.

16 (G) NOTHING IN THIS SECTION:

17 (1) CREATES A SEPARATE CRIME;

18 (2) AUTHORIZES A COURT TO IMPOSE A SENTENCE THAT EXCEEDS  
19 THE MAXIMUM SENTENCE PROVIDED BY LAW;

20 (3) ESTABLISHES A DEFENSE TO PROSECUTION;

21 (4) DIMINISHES THE RIGHTS OF VICTIMS OF CRIME; OR

22 (5) PROHIBITS A COURT FROM CONSIDERING EVIDENCE OF  
23 DOMESTIC VIOLENCE UNDER ANY OTHER APPLICABLE PROVISION OF LAW.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2026.