

# SENATE BILL 138

E2

(PRE-FILED)

6lr1078  
CF HB 84

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By: **Senator Henson**

Requested: October 2, 2025

Introduced and read first time: January 14, 2026

Assigned to: Judicial Proceedings

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## 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  
12 Article – Criminal Procedure  
13 Section 6–238  
14 Annotated Code of Maryland  
15 (2025 Replacement Volume)

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

18 **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:**

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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  
SERIOUS BODILY HARM;

(III) ASSAULT IN ANY DEGREE;

(IV) RAPE OR SEXUAL OFFENSE UNDER § 3-303, § 3-304, §  
3-307, OR § 3-308 OF THE CRIMINAL LAW ARTICLE OR ATTEMPTED RAPE OR  
SEXUAL OFFENSE IN ANY DEGREE;

(V) FALSE IMPRISONMENT;

(VI) STALKING UNDER § 3-802 OF THE CRIMINAL LAW ARTICLE;  
OR

(VII) REVENGE PORN UNDER § 3-809 OF THE CRIMINAL LAW  
ARTICLE.

(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 LAW ARTICLE, EXCEPT:**

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

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

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

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

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

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

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

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

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

**(IV) A VIOLATION OF TITLE 8, SUBTITLE 1 (BAD CHECKS), SUBTITLE 2 (CREDIT CARD CRIMES), SUBTITLE 3 (IDENTITY FRAUD), OR SUBTITLE 6 (COUNTERFEITING AND RELATED CRIMES) OF THE CRIMINAL LAW ARTICLE; AND**

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

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

(I) SENTENCING; OR

(II) IF A MOTION TO MODIFY A SENTENCE OR REDUCE THE DURATION OF A SENTENCE IS FILED WITHIN 5 YEARS OF THE DATE OF THE ORIGINAL SENTENCING, AT A HEARING ON THE MOTION FOR MODIFICATION OR REDUCTION OF THE SENTENCE.

(2) THE STATE MAY INTRODUCE EVIDENCE TO REBUT ANY EVIDENCE OFFERED BY THE DEFENDANT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

(1) THE DEFENDANT;

(2) THE DEFENDANT'S FAMILY MEMBERS OR FRIENDS;

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

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

(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.