



# **RACIAL EQUITY IMPACT NOTE**

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session  
SB0138

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

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### **Bill Summary**

This bill authorizes the introduction of 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 for which the defendant was convicted. A court may impose a reduced sentence, as specified, if the court finds that domestic violence was a significant contributing factor to the defendant's commission of the crime. The bill limits applicability to a defendant convicted of certain crimes and may not be construed to (1) create a separate crime; (2) authorize a court to impose a sentence that exceeds the maximum sentence provided by law; (3) establish a defense to prosecution; (4) diminish the rights of victims of crime; or (5) prohibit a court from considering evidence of domestic violence under any other applicable provision of law.

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### **Racial Equity Impact Statement**

The bill permits specified victims of domestic violence to offer evidence of their victimization in mitigation proceedings when prosecuted for certain offenses, including drug, prostitution, burglary, theft, and specified violent crimes. Department of State Police (DSP) crime data for 2024 and fatality reporting from the Maryland Network Against Domestic Violence provides a detailed picture of domestic violence in the State that confirms its prevalence and suggests significant harms endured by victims. Women comprised 68% of all domestically related crime victims in the State in 2024 and Black women made up 58% of all domestic violence homicides in 2022. There is no data available, however, to measure the specific population of prior domestic abuse victims who are prosecuted for the eligible crimes under the bill. Limited data suggests that the number of eligible individuals under the bill would be small, meaning the provisions of the bill will benefit eligible individuals accused of crimes for which domestic violence was a significant contributing factor, but the overall impact is likely minimal.

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## Analysis

This bill authorizes a defendant to introduce evidence in court that they were previously a victim of domestic violence, and that the domestic violence was a significant contributing factor to the commission of the crime for which the defendant was convicted. The mitigating evidence may be introduced at sentencing or at a hearing on a motion for modification or reduction of the sentence if the motion is within the time frame specified by the bill. 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. Evidence introduced may include records, reports, or testimony from the defendant, the defendant's family members or friends, law enforcement officers, medical professionals, counselors, advocates, social workers, or any other source the court considers relevant.

The bill applies only to defendants convicted of the following crimes, as further specified and defined under statute:

- a crime of violence, as defined in § 14-101 of the Criminal Law Article, except (1) murder; (2) sexual crimes; or (3) abuse and other offensive conduct, as specified;
- 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;
- 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;
- when committed in whole or in part by coercion, control, economic abuse, or other circumstances arising from domestic violence (1) extortion and other threats; (2) burglary and related crimes or trespassing; (3) theft and related crimes; or (4) bad checks, credit card crimes, identity fraud, or counterfeiting and related crimes; and
- an attempt, conspiracy, or solicitation to commit any offense listed above.

### *Definitions*

“Domestic violence” means any of the following acts committed against a victim: (1) an act that causes serious bodily harm; (2) an act that places the victim in fear of imminent serious bodily harm; (3) assault in any degree; (4) 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; (5) false imprisonment; (6) stalking under § 3-802 of the Criminal Law Article; or (7) revenge porn under § 3-809 of the Criminal Law Article.

“Victim” means (1) a current or former spouse of a perpetrator; (2) a cohabitant of a perpetrator; (3) a person related to a perpetrator by blood, marriage, or adoption; (4) a parent, stepparent, child, or stepchild of a perpetrator or perpetrator's spouse or former spouse who resided with the perpetrator or spouse for at least 90 days within one year before the filing of the petition; (5) an individual who has a child in common with a perpetrator; or (6) an individual who has had a sexual relationship with a perpetrator within one year before the filing of the petition.

## *Current Law*

Current law does not specifically address the consideration of an individual's status as a victim of domestic violence during a criminal proceeding against the individual. Statute does, however, set forth a limitation on criminal/juvenile proceedings in other circumstances based on an individual's status as a victim of child sex trafficking. Under these provisions, a minor may not be criminally prosecuted or subject to certain juvenile proceedings based on specified offenses if the minor committed the underlying act as a direct result of being a victim of sex trafficking or being a victim of human trafficking.

## *Domestic Violence Data Collection in Maryland*

Maryland has been collecting data involving domestic violence since the passage of the Domestic Violence Act of 1994, which requires all law enforcement agencies in the State to submit incident reports involving domestic violence to DSP. Chapter 554 of 2012 further improved the recording and tracking of domestic violence crimes within the court system by requiring all cases designated by a court to be a "domestically related crime" to become part of the court record for purposes of reporting to the Criminal Justice Information System Central Repository.

The Administrative Office of the Courts houses the Domestic Violence Monthly Reports database, which contains data on protective and peace orders across the State. The database reports the total number of protective or peace orders by sex, race, age, and case type of the respondent and is searchable by county, month, and year; however, the database does not generate aggregate data and does not provide identifying information, criminal history, or the outcome of protective peace orders.

## *Impacts of the Bill*

The Maryland Domestic Violence Fatality Review State Implementation Team (MD-DVFRSIT) collects data on domestic violence deaths. According to its 2023 report, there were 40 total deaths due to domestic violence in Maryland in 2022, with 26 victims killed alongside 14 bystanders. Moreover, this report found that Black women made up 58% of the domestic violence homicides in Maryland. MD-DVFRSIT has not released an updated report since 2023. The report also identified 13 abusive partner deaths, which included suicide, deaths by law enforcement, and deaths by friends of victims in self-defense.

According to the 2024 Uniform Crime Report, there were 31,582 reports of domestically related crimes in 2024. DSP classifies domestically related crimes as a broad category under which there are specific underlying offenses, such as homicide, rape, or a sex offense. A large majority of the reports (26,596 or 84%) were domestically related assaults. Of that total, 20% were aggravated assaults, which are defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. Females made up 68% of all domestic violence victims.

**Exhibit 1** illustrates the demographic breakdown of victims of domestically related crimes, highlighting the disparity for Black victims. Black victims were 52% of the total victims compared to 44% of victims that were white. Asian victims comprised 1.5% of the total, and individuals of



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## Conclusion

Black individuals, specifically Black women, are overrepresented as victims of domestically related crimes, and the bill's intended sentence mitigation would likely be particularly beneficial to those victims. However, the implementation to date of New York's DVSJA suggests difficulty in determining which victims would be eligible for the bill's intended remedies. Data suggests the bill would have minimal impacts, but it is unknown to what extent the bill would impact various demographic groups in the State without more detailed data on those charged, arrested, and convicted of crimes related to domestic violence, including data on their previous status as a victim of the domestically related crimes specified by the bill.

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**Information Sources:** Administrative Office of the Courts; Department of State Police; Governor's Office of Crime Prevention and Policy; Maryland Network Against Domestic Violence; The Sentencing Project; Department of Legislative Services

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# Appendix – Maryland Demographics

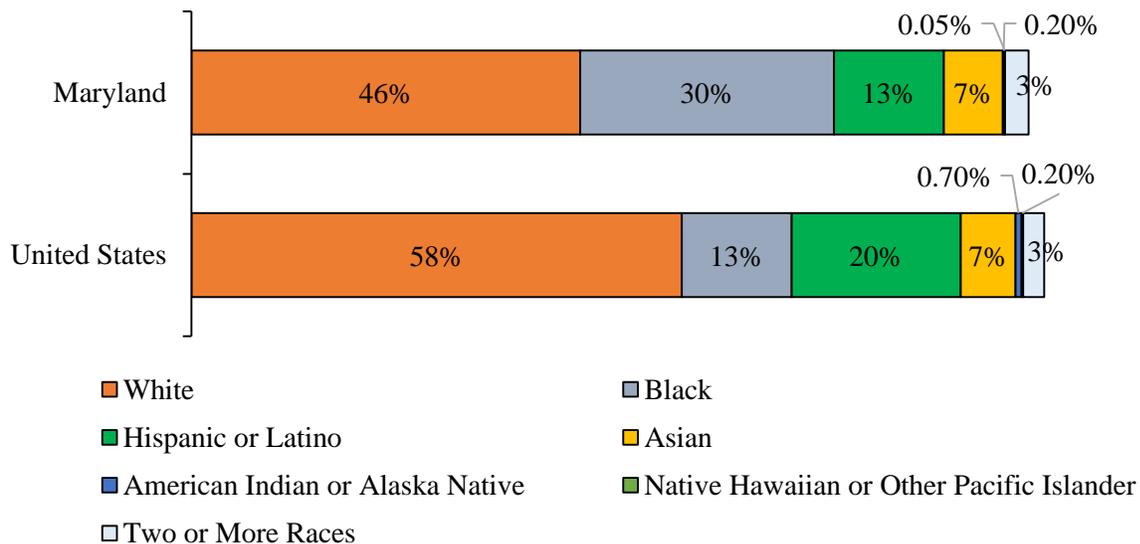
## *Race and Ethnicity of the Maryland Population*

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

## *Methodology Update*

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

**U.S. and Maryland Population by Race and Ethnicity  
2024 Population Estimates**



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau