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TESTIMONY ON SB 0138
Criminal Procedure Sentencing – Domestic Violence as a Mitigating Factor (PATH Act)
Committee: Judicial Proceedings
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The University of Maryland, Baltimore Center for Violence Prevention (CVP) supports SB 0138, which would be transformational to Maryland’s criminal justice response to survivors of sexual violence – particularly those whose offense is directly linked to abuse, coercion, and trauma. Among women in prison, more than 70% have experienced abuse from an intimate partner. Black women disproportionately experience both domestic violence and intimate partner violence, with more than 55% facing stalking, physical, or sexual violence over the course of their lifetimes. Because domestic violence and intimate partner violence can be deadly, those who experience it may engage in self-defense in order to survive. However, when Black women defend themselves from this abuse, they are frequently criminalized for it leading to their entanglement in the criminal justice system. The proposed legislation is a step towards addressing the criminalization of survivors. It establishes that domestic violence may be considered as a mitigating factor at sentencing or upon motion of modification for certain offenses, and that the court may depart from mandatory minimums or sentencing guidelines in imposing a just and appropriate sentence.

I am the inaugural Executive Director of the CVP. We are a community informed initiative of the University of Maryland, Baltimore in collaboration with the R Adams Cowley Shock Trauma Center at the University of Maryland Medical Center – the first of its kind. Our aim is to build resilient communities for all through the prevention and intervention of all forms of violence and trauma. We do this in an interdisciplinary, collaborative fashion where we conduct community-based participatory research, provide creative and impactful education, and inform and advocate for policies that strengthen our communities to prevent violence and trauma.

As a woman of color, I have focused on the application of behavioral and social science perspectives to research on contemporary health problems, especially those that disproportionately affect people of color. I am a prevention research scientist whose scholarship has focused primarily on individuals and the environments that support or impede chronic disease prevention or management, injury, and violence -- specifically, gender-based violence. In my research, I have found that eliminating barriers to accessing domestic violence service provision is key to enhancing practice and policies that impact survivors. The PATH Act would allow survivors to receive shorter sentences for offenses which are entwined with their victimization.

For these reasons, the UMB Center for Violence Prevention supports SB 0138.