



FAVORABLE REPORT on THE PATH ACT SB0138/HB0084

Dear President Senator Will Smith and Vice Chair Senator Jeff Waldstreicher and members of the Judicial Committee,

I write on behalf of Bowie State University's Prison Education Program (BPEP) and the Institute of Restorative Justice and Practices (IRJP) to express our strong support for HB 84 (cross-filed with SB 138), the PATH Act, and to urge a favorable report. As an HBCU delivering degree pathways to incarcerated learners in Maryland, we work daily with students whose life trajectories have been shaped by trauma, victimization, and coercion—realities that too often go unrecognized in traditional sentencing narratives. Research consistently shows that a substantial share of incarcerated women have experienced serious violence and abuse prior to incarceration, including intimate partner violence. For example, the National Resource Center on Domestic Violence summarizes findings that approximately 70–80% of incarcerated women report adulthood intimate partner violence, and approximately 60–70% report childhood physical or sexual violence—evidence of a strong victimization-to-incarceration pipeline.

The PATH Act is a careful, evidence-informed step toward a more accurate and trauma-responsive justice system. It authorizes defendants to introduce evidence that they were victims of domestic violence and that the abuse was a significant contributing factor to the offense as a mitigating factor at sentencing or in a hearing on a motion to modify/reduce sentence filed within five years of original sentencing. The bill also appropriately outlines the types of evidence that may be presented—including records, reports, and testimony from medical professionals, advocates, counselors, law enforcement, family members, and other relevant sources—and sets a clear evidentiary standard (preponderance of the evidence), while allowing the State to rebut.

Importantly, the PATH Act recognizes what many practitioners and survivors know firsthand: coercive control, economic abuse, and threats can drive conduct that becomes criminalized. The bill's scope reflects this reality by covering not only certain crimes of violence (with specified exclusions), but also circumstances in which a defendant was compelled **or** coerced into offenses involving controlled substances, prostitution/human trafficking, and other crimes tied to coercion, control, or economic abuse arising from domestic violence. This approach aligns with a growing body of research and practice indicating that many “survival behaviors”—self-defense, coercion-driven participation, self-medication, and trauma-linked coping—can become pathways into arrest, conviction, and incarceration.

The data underscore the urgency of this reform. A recent fact sheet from the Battered Women's Justice Project notes that 77% of jailed women report intimate partner violence and 86% report experiencing sexual violence in their lifetime, highlighting how frequently survivors are entangled in the criminal legal system. This is not an abstract policy issue: it directly affects mothers, students, and community members whose abuse histories were never fully heard or understood in court—sometimes because evidence was unavailable at the time, sometimes because the system lacked a structured mechanism to consider it meaningfully. By ensuring courts can consider domestic violence as a mitigating factor and, where warranted, depart from mandatory minimums or guidelines, the PATH Act promotes sentencing outcomes that are more proportional, more informed, and ultimately more just.

BPEP and IRJP support the PATH Act because it advances public safety through accountability grounded in context, and because it affirms a fundamental principle of restorative justice: people's actions must be assessed with a full understanding of harm experienced, coercion endured, and trauma carried—especially when that trauma is directly connected to the offense conduct. We respectfully urge the Committee and the House to support HB 84 / SB 138 and move this important legislation forward.

Thank you for your leadership and your commitment to fair and trauma-informed justice in Maryland.

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