

BILL NO: Senate Bill 138
TITLE: Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act
COMMITTEE: Judicial Proceedings
HEARING DATE: January 27 at 1 pm
POSITION: **SUPPORT**

I am the inaugural Executive Director of The Rebuild, Overcome, and Rise (ROAR) Center at the University of Maryland, Baltimore. ROAR is a “one-stop-shop” in Baltimore City where survivors of crime can access a full range of wraparound legal, mental health, case management, and nurse care management services in one place, which research has shown provides the best outcomes for survivors who are often managing myriad and complex needs. ROAR works toward a world where crime survivors are met with understanding, respect, and care including access to the practical, emotional, and social supports they need to recover. **I urge the Judicial Proceedings Committee to issue a favorable report on SB 138.**

I have been a practicing attorney for more than 29 years, and for most of that time I represented survivors of domestic violence and other forms of harm in both civil and criminal cases. For seven years prior to becoming an attorney, I worked directly with survivors of crime—work that ultimately motivated me to attend law school. I share this background because I have personally walked alongside hundreds, if not thousands, of survivors of domestic violence as they moved from the earliest days following victimization—marked by shock, immobilization, and fear—toward acceptance and healing. That journey is long and always arduous. Unfortunately, our systems of response and care are deeply flawed and profoundly inadequate. Too often, survivors are placed into precarious situations that are as frightening, or even more so, than the circumstances they fled.

Throughout my career working with survivors, the vast majority have not contacted the police for numerous reasons, including fear for their own safety; fear of the person harming them; fear rooted in their race or ethnicity and the all-too-common reality of police violence against Black and Brown communities; fear of deportation; fear that the police will minimize the harm or fail to act, resulting in escalation; or fear of ridicule or being outed as LGBTQIA+. Survivors also face significant practical barriers, such as the loss of income if they leave an abusive partner, single parenting, religious or cultural barriers to separation or divorce, hostile systems of assistance, and language barriers. This list is far from exhaustive. These dynamics are present nationwide. ROAR intentionally serves the very communities least likely to engage with law enforcement because so few resources exist for those who choose—or are forced—not to call the police.

The most common reason survivors tell me they do not call the police is that they do not believe the police will help them. This belief is not unfounded. Law enforcement’s role is to investigate

and arrest suspects—it is not to make victims whole. As a result, survivors often feel they have no choice but to comply with the demands of the person harming them, even when that includes engaging in criminalized behavior, or to act in self-defense when no other option appears available. Notably, since the passage of the Violence Against Women Act (VAWA), rates of male homicides have declined more steeply than those of women. Many experts attribute this to the expansion and stabilization of survivor support systems—such as hotlines, shelters, and legal services—reducing the sense that self-defense is the only path to safety.

In 2025, I advocated for a survivor who was facing felony charges related to injuries sustained by her ex-boyfriend during an act of self-defense. Over the preceding years, she had been hospitalized multiple times across the Baltimore region following his brutal assaults. She never contacted the police or accessed support services because he was always present—during hospital visits, at her workplace, at school, and at her home. While pregnant with his child, he attacked her again. She fled to her car in an attempt to protect herself and her unborn child. He pursued her and later claimed his injuries were intentionally inflicted. I share this story not only to illustrate the impossible choices survivors face, but also because neither the prosecutor nor the defense attorney initially investigated her extensive history of domestic violence. Her public defender, overwhelmed and under-resourced, lacked the time and capacity to gather proof of her prior victimization. Ultimately, her therapist and I were able to assist, and the charges were resolved with probation before judgment—a far more humane outcome than the lengthy prison sentence she initially faced.

Maintaining a system in which survivors are merely “lucky” if their history of domestic violence is raised in a criminal proceeding leaves countless survivors without justice. Thousands of criminalized survivors remain incarcerated across the country because they lacked documentation of the prior domestic violence, were unable to obtain it, or were represented by overburdened counsel without adequate investigative resources. These survivors deserve access to post-conviction relief. All survivors—regardless of income, race, or their ability to conform to expectations of “ideal” victimhood—deserve an affirmative defense and sentencing relief. We must not continue to punish survivors, particularly when our systems of assistance fail to meet the needs of those who are most marginalized and disenfranchised.

Disenfranchising any victim of crime is a grave injustice—not only to that individual, but also to the General Assembly’s commitment to public safety. When survivors cannot access meaningful support and then face prosecution significantly increases the risk of future criminalization, often driven by unmet financial needs or unaddressed trauma. The adage “hurt people hurt people” reflects a painful truth. Until Maryland fully embraces a vision of public safety that extends beyond a narrow carceral focus and instead prioritizes health, healing, and wellness, we will not achieve the reductions in crime we seek. Investment in victims of crime—often dismissed as secondary prevention—must be recognized as essential to true crime prevention. Survivors must be treated with dignity and respect, as full human beings with needs and imperfections, not only because it is morally right, but because it is the only way to interrupt the enduring cycle of violence that continues to devastate our most vulnerable communities.

This is not about excusing acts of violence, it is about **accurate fact-finding, proportional accountability, and preventing future harm.**

For the above stated reasons, **I urge a favorable report on SB 138.**