



MARYLAND
CATHOLIC
CONFERENCE

January 27, 2026

Senate Bill 138
Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor
(Providing Alternatives Through Healing for Justice-Involved Individuals (PATH)
Act)
Senate Judicial Proceedings Committee

Position: Favorable

The Maryland Catholic Conference (MCC) is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 138 authorizes the introduction of evidence that a certain defendant was the victim of domestic violence and that the domestic violence was a significant contributing factor to the commission of a certain crime as a mitigating factor at sentencing of the defendant or a hearing on a motion for modification or reduction of a sentence; and establishing related procedures.

Extensive psychological research demonstrates that victims of domestic violence often experience lasting—sometimes lifelong—effects, including trauma, hypervigilance, impaired decision-making, and altered stress responses. Prolonged exposure to abuse can fundamentally shape a person's psychological development and coping mechanisms. In many cases, behaviors that later result in criminal conduct arise not from criminal intent, but from trauma-related survival strategies learned in abusive environments. These responses may include defensive aggression, dissociation, or actions taken under perceived threat, even when immediate danger is not apparent to others.

Trauma theory and studies on battered person syndrome show that chronic abuse can distort an individual's perception of risk, limit perceived alternatives, and impair the ability to respond rationally under stress.¹ As a result, trauma may perpetuate cycles of violence or lead individuals to act in ways that would not have occurred absent the abuse. Recognizing this context does not excuse criminal conduct, but it provides a more complete understanding of the defendant's mental state and culpability.

¹ <https://www.ebsco.com/research-starters/psychology/battered-person-syndrome>

Under this legislation, the defendant bears the burden of establishing by a preponderance of the evidence that domestic violence was a significant contributing factor to the offense. Evidence of past abuse is therefore directly relevant to the defendant’s psychological makeup and decision-making at the time of the crime. Allowing courts to consider this evidence promotes individualized sentencing and aligns with established principles of justice that recognize diminished moral culpability when conduct is shaped by coercion, trauma, or psychological harm.

Understanding the cumulative stress and psychological injuries caused by long-term abuse enables judges and juries to evaluate cases with greater accuracy, fairness, and compassion. As Pope Leo has reminded us, society must “learn to listen to wounds and walk together” with victims of abuse and violence—a call that underscores the moral and human importance of acknowledging trauma in our legal system.²

For these reasons, the Maryland Catholic Conference asks for a favorable report on **SB 138**.

Thank you for your consideration.

²<https://www.usccb.org/news/2025/pope-urges-church-listen-sorrows-abuse-victims-walk-together>