

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
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P: (410) 260-1560

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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 138
Criminal Procedure – Sentencing – Domestic Violence as a
Mitigating Factor (Providing Alternatives through Healing for
Justice-Involved Individuals (PATH) Act
DATE: January 21, 2026
(1/27)

INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation.

The Judiciary comments to note that the language in subsection (c)(1)(ii) provides that evidence can be introduced as a mitigating factor if a motion to modify a sentence or reduce the duration of a sentence is filed within five years of the date of the original sentencing. This provision appears to be in contravention of Maryland Rule 4-345(e), which requires that a motion for modification of sentence be “filed within 90 days after imposition of a sentence.” While the court has revisory power over a sentence within five years of its imposition, the motion requesting that modification must be filed within 90 days after imposition. The conflict would be eliminated by striking on page 4, beginning with “within” in line 10 down through “sentencing” in line 11.

cc. Hon. Shaneka Henson

Judicial Council
Legislative Committee
Kelley O'Connor