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January 27, 2026

TO: The Honorable William Smith
Chair, Judicial Proceedings Committee

FROM: Tiffany Clark
Director, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 138 – Division of Correction - Release Preparation Program
(Support)

The Office of the Attorney General (OAG) supports **Senate Bill 138 – Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act)**. SB 138 proposes to establish a procedure allowing criminal defendants to present evidence that being a victim of domestic violence contributed to their criminal conduct and requires courts to consider this evidence during sentencing.

As Maryland's elected Chief Legal Officer, the Attorney General supervises and directs the legal business of the State. The OAG advises and represents State institutions, agencies, boards, commissions, and officials, while representing Maryland's interests in state and federal litigation. The OAG uses its authority to enforce the rule of law, protect Marylanders, and promote the public good.

This legislation directly supports our efforts to ensure equitable treatment in Maryland's criminal justice system, particularly for survivors of domestic violence whose victimization has contributed to their involvement in criminal conduct.

Research consistently demonstrates that survivors of domestic violence, particularly women, often engage in criminal behavior as a direct result of abuse, coercion, or control by

their abusers.¹ This can include crimes committed under duress, in self-defense, or as survival mechanisms within abusive relationships.

SB 138 creates an equitable framework for courts to consider domestic violence victimization as a mitigating factor in sentencing by establishing clear procedural requirements for presenting evidence of abuse and mandating judicial consideration of this evidence. This approach ensures that sentencing decisions reflect the full context of a defendant's circumstances while maintaining accountability for criminal conduct, and it addresses systemic inequities where survivors' trauma and abuse histories, particularly those of women and people of color, are often invisible to the criminal justice system, leading to sentences that perpetuate rather than interrupt cycles of violence and marginalization.

We appreciate the General Assembly's work on this important policy and welcome the opportunity to share our perspective. For the foregoing reasons, the Office of the Attorney General respectfully urges the Committee to give **Senate Bill 138** a **favorable report**.

¹¹ See: https://law.unc.edu/wp-content/uploads/2025/04/Consolidated-Report_From-the-Cradle-to-the-Grave_Criminalization-of-Survivors.pdf