

Testimony in Support of HB 0084-SB 0138.pdf

Uploaded by: Alfrieda Hylton

Position: FAV

Testimony in Support of House Bill 0084/Senate Bill 0138 (PATH Act)

My name is Alfrieda Hylton, and I am a resident of Prince George's County, Capitol Heights, Maryland. I respectfully submit this testimony in strong support of House Bill 0084 and Senate Bill 0138, the PATH Act.

I was married to my ex-husband for 13 years. For 10 of those years, I endured mental, emotional, and physical abuse at the hands of the person who was supposed to love and protect me. My former husband was a returning citizen, and over time he developed severe alcoholism. His behavior became unpredictable—what I can only describe as a Dr. Jekyll and Mr. Hyde personality. Living in that environment meant constant fear, emotional manipulation, intimidation, and physical harm.

The effects of spousal abuse go far beyond visible injuries. Domestic violence erodes a person's sense of safety, judgment, and self-worth. It creates chronic stress, trauma responses, anxiety, depression, and hypervigilance. When you live under coercion and control, every decision is shaped by fear of retaliation, fear of escalation, fear of survival. Domestic abuse impacts on how you think, how you respond to authority, how you trust others, and how you navigate daily life. These effects do not end when the relationship ends.

By the grace and mercy of my Lord and Savior, I survived and I am no longer a victim. My ex-husband is now deceased, but the trauma from those years did not disappear with him. Domestic violence follows you long after the bruises fade. It shows in your mental health, your ability to feel safe, and sometimes in the choices you make while trying to survive circumstances no one should have to endure.

House Bill 0084 and Senate Bill 0138 are critically important because they recognize the truth that many survivors live with: individuals who are subjected to prolonged abuse, coercion, and fear may become involved in situations or make decisions they would never make if they were safe and free from violence. These bills do not excuse criminal behavior. Instead, they allow the court to consider the full context of a person's life, particularly when domestic abuse is a significant contributing factor.

I strongly believe that mental health therapy is essential—not only for survivors of domestic violence, but also for abusers. Untreated trauma, addiction, and mental illness can destroy families and communities. If we truly want public safety, healing must be part of justice. Addressing root causes helps break cycles of violence rather than allowing them to continue.

The PATH Act offers compassion with accountability. It provides judicial discretion, requires credible proof, and maintains public safety, while recognizing that trauma matters. Survivors deserve to be seen, heard, and treated with dignity by the justice system.

I urge the Committee to issue a favorable report on House Bill 0084 and Senate Bill 0138, so that Maryland can continue moving toward a justice system rooted in healing, truth, and hope.

Respectfully submitted,

Alfrieda Hylton, President/CEO
John R. Lewis Reentry Reform Services



MyPATH testimony.pdf

Uploaded by: Alyima Williams

Position: FAV

Testimony SB0138 / HB0084

The Path Act

Aly Williams
aly@helpingourselves.org

Hello members of the Judicial Committee,

My name is Aly Williams, and I am writing to express my support for the PATH Act. I currently serve as an Administrative Assistant with Helping Ourselves to Transform (HOTT), an organization dedicated to trauma-informed advocacy, community healing, and justice-centered reform. I respectfully urge you to pass this important legislation.

Through my work at HOTT, I have seen how survivors of domestic violence are often criminalized for actions that are deeply connected to abuse, coercion, and survival. Many justice-involved individuals, particularly Black and Brown survivors, enter the legal system carrying the weight of unaddressed trauma, yet the courts are not always given the tools to fully consider those circumstances when determining a sentence. Too often, punishment is imposed without adequate recognition of the harm that preceded the offense.

The PATH Act addresses this gap by allowing courts to consider domestic violence as a significant contributing factor during sentencing or sentence modification. By formally recognizing survivors' experiences as mitigating factors, this legislation gives judges the discretion to impose sentences that are more just, proportional, and informed by the full context of a person's life.

In my experience working alongside survivors and justice-impacted individuals, I have seen how meaningful consideration of trauma can change outcomes. When the legal system acknowledges the role that abuse and coercion play in criminalized behavior, it opens the door to accountability that does not further punish people for the harm they have already endured.

Passing the PATH Act is an important step toward a justice system that values fairness, dignity, and equity. Allowing courts to weigh evidence of domestic violence at sentencing promotes more individualized decisions, supports long-term stability for survivors, and strengthens public trust in the legal system. It also reflects a responsible and humane approach to sentencing that recognizes both accountability and compassion.

On behalf of the individuals and families we serve, I respectfully urge a favorable report on SB0138 / HB0084. Maryland has the opportunity to lead by ensuring that survivors are not punished without their lived realities being fully considered. The PATH Act moves us closer to a system that responds to harm with understanding rather than reflexive severity.

Thank you for your time and consideration.

- Aly Williams

SB 138, Criminal Procedure, Sentencing, Domestic V

Uploaded by: Carlos Orbe, Jr.

Position: FAV

January 23, 2026

The Honorable William C. Smith, Jr.

Chair, Judicial Proceedings Committee

2 East Miller Senate Office Building

2 East Miller Senate Office Building

Annapolis, Maryland 21401

RE: Support for SB 138, Criminal Procedure, Sentencing, Domestic Violence as a Mitigating Factor, PATH Act

Dear Chair Smith,

Maryland Latinos Unidos (MLU) is honored to express our strong support for Senate Bill 138, Criminal Procedure, Sentencing, Domestic Violence as a Mitigating Factor, Providing Alternatives Through Healing for Justice Involved Individuals, PATH Act. SB 138 authorizes the introduction of evidence that a defendant was a victim of domestic violence and that the violence significantly contributed to the offense as a mitigating factor at sentencing and in certain sentence modification contexts, and establishes related procedures. SB 138 is scheduled for a hearing in the Senate Judicial Proceedings Committee on January 27, 2026 at 1:00 p.m., and the bill's effective date is October 1, 2026.

This bill reflects a trauma informed, evidence grounded approach to justice. Survivors of domestic violence can face complex coercion, threats, and survival pressures that shape behavior, and courts should be able to consider that context in a structured and careful way. Research focused on immigrant Latinas documents substantial experiences of intimate partner violence and indicates that immigration related vulnerabilities can intensify risk and isolation.

For Latino and immigrant survivors, barriers such as language access, fear of retaliation, financial dependence, and concerns about interacting with systems can prevent early intervention. SB 138 helps ensure that when survivors become justice involved, courts can evaluate the role of abuse and prioritize pathways that support healing and reduce future harm.

MLU will amplify SB 138 by partnering with culturally specific survivor organizations, promoting know your rights education, and supporting service navigation so survivors have access to counseling, legal services, and stability supports that reduce cycles of harm.

MLU urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 138, advancing survivor centered justice and safer communities.

Sincerely,

Carlos Orbe, Jr.

Communications and Public Affairs Specialist

Maryland Latinos Unidos

corbejr@mdlatinosunidos.org

SB 0138 - Criminal Procedure - Sentencing - DV as

Uploaded by: Catherine OMalley

Position: FAV

BILL NO: Senate Bill 0138
TITLE: Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor
(Providing Alternatives Through Healing for Justice-Involved Individuals (PATH)
Act)
COMMITTEE: Judicial Proceedings
HEARING DATE: January 27, 2026
POSITION: **SUPPORT**

The Women's Law Center of Maryland supports SB 138 because it addresses a profound injustice faced by many survivors of intimate partner violence—particularly women and women of color—who are incarcerated for acts directly connected to surviving abuse, while their abusers often face little or no accountability.

Survivors who are criminalized for protecting themselves or attempting to escape violence often enter the criminal legal system as a direct result of coercion, control, and prolonged abuse. SB 138 recognizes that intimate partner violence is a critical mitigating factor in these cases and ensures that the legal system can take the full context of a survivor's circumstances into account.

By explicitly recognizing the role of abuse in survivors' involvement with the criminal legal system, SB 138 promotes fairness, proportionality, and accountability. Considering intimate partner violence as a mitigating factor supports more just outcomes and helps prevent survivors from being punished more harshly than their abusers for survival-based actions.

SB 138 is particularly impactful for communities of color. Black and Brown women are disproportionately affected by both intimate partner violence and the criminal legal system, and are more likely to be incarcerated for actions directly related to abuse. These disparities are rooted in systemic inequities, including racial bias in policing, prosecution, and sentencing, as well as limited access to supportive legal resources.

By centering the lived experiences of survivors and recognizing abuse as a mitigating factor, SB 138 advances racial equity, promotes survivor-centered justice, and helps disrupt cycles of violence and incarceration that have long harmed families and communities of color.

For these reasons, the Women's Law Center of Maryland urges a favorable report on SB 138.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.

SB0138_Criminal_Procedure_Sentencing_Domestic_Viol

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0138

Criminal Procedure – Sentencing – Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act)

Bill Sponsor: Senator Henson

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in strong support of SB0138 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

This bill is a very welcome change to criminal law in Maryland for victims of domestic violence. Domestic violence is a horrible crime that leaves both physical and mental scars on an individual for life. It is also used, in some cases, to destroy the victim's life even further by coercing them to commit crimes that result in jail time.

This bill, if enacted, will allow the proof of domestic violence to be used as a mitigating factor in the sentencing, or reduction in sentence for someone already convicted, as long as they are within 5 years of their original sentencing date. The victim would have the burden of proof, but they can call on family members, friends, law enforcement, counselors, advocates, or social workers to support their claim.

Victims of domestic violence are truly victims, even though they have been forced to commit other crimes. The real perpetrator is the person who has committed the violence and has coerced or threatened the victim into committing criminal acts.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

PATHACTletter.docx.pdf

Uploaded by: Charles Adams

Position: FAV



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.

Charles Adams, Ph.D.
Charles B. Adams, Ph.D.

Professor

Department of Sociology and Child Studies

Executive Director, Institute of Restorative Justice and Practices

Executive Director of Bowie State University's Prison Education Program

Legislative Testimony_PATH_Act_2026 - HOTT VP Crys

Uploaded by: Crystal Combs

Position: FAV

Written Testimony in Support of SB 0138 / HB 0084 – The PATH Act (2026)
Providing Alternatives Through Healing (PATH) Act

Submitted by:
Crystal A. Combs
Vice President, Helping Ourselves To Transform (HOTT)

Position: FAVORABLE

Chair, Vice Chair, and Honorable Members of the Committee,
My name is Crystal A. Combs, and I respectfully submit this testimony in strong support of SB 0138 / HB 0084 – The PATH Act (2026) on behalf of Helping Ourselves To Transform (HOTT), a Maryland-based nonprofit organization committed to improving outcomes for justice-involved individuals through healing-centered advocacy, reentry support, and community reintegration.

HOTT actively advocates for Maryland legislation that strengthens pathways for returning citizens, improves public safety, and stabilizes families and communities. The PATH Act directly aligns with these goals by promoting fair and proportional sentencing, supporting rehabilitation over prolonged incarceration, reducing recidivism and long-term correctional costs, and strengthening community and family stability.

I come to this work not only as an advocate, but as a survivor. I am a survivor of verbal, emotional, and financial abuse. My marriage began under false pretenses—my ex-husband sought to exploit me financially from the start. I lived in fear, not only of physical harm but of actions that bordered on criminal, including avoiding an illegal loan process that my ex wanted me to do when purchasing our home. I had to establish protective measures for my finances and property—I put my father and brother on all of my financials to protect myself and my livelihood. I even executed a living will before surgery in case I did not survive. Before our first year anniversary, I left the marriage on heart medication and with a protective order in hand.

The abuse did not end with separation. For nearly three years during our separation and divorce, my ex-husband refused to pay the mortgage and other housing expenses as ordered by the court. As the primary borrower on our marital home, I bore the full financial consequences of his violations—the lender came after me, not him. I was forced to file Chapter 13 bankruptcy twice before resolving my financial crisis. With a secret clearance and a career at U.S. Department of Homeland Security Headquarters—where I handle the initiation, administration, and financials of IT contracts worth millions of dollars—I had no choice but to make things right. My career and security clearance depended on it. By 2016, I had finally rebuilt my credit and my life—or so I thought. In 2024 and 2025, eight years after our divorce was archived, he reopened the case and then filed a civil suit attempting to force the sale of my home, even after learning his name had been removed from the deed and was to also be removed from the note when I took on the sole responsibility of the financial obligation—the proof of my sole responsibility was in a 2016 IRS 1099-C, a cancellation of debt attributed only to my ex. Though he lost his case, the trauma of reliving what he put me through was devastating.

I share this because financial abuse is a weapon used to control, destabilize, and re-traumatize survivors long after they leave. It keeps women trapped—unable to rebuild, unable to heal, unable to move forward. This is why the work we do at HOTT matters so deeply to me.

At HOTT, I am not just a leader—I am part of the team that enters Maryland women's prisons to facilitate two transformative programs: "Reclaiming Me," an 8-week healing and restoration program, and "The Pretense of Justice," a 4-week program examining systemic harm, trauma, and accountability within the justice system. Through this direct work, I have witnessed firsthand the profound impact of trauma-informed programming on women who are disproportionately survivors of domestic violence, sexual assault, trafficking, and generational trauma.

The reality I see every week is this: for returning citizens to be successful, their healing and reintegration cannot be left to chance—it must be strategically planned and supported before they return to the community. When healing is addressed early and intentionally, women are better prepared to reunify with their families, maintain stability, and contribute positively to their communities rather than cycling back into the justice system. This is not theoretical—I see it work when given the chance, and I see the devastating consequences when it doesn't happen.

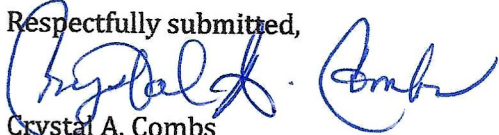
The PATH Act embodies the kind of strategic, healing-centered planning that gives returning citizens a real opportunity to succeed, which in turn strengthens families, improves public safety, and builds healthier communities across Maryland. I want to be clear: healing is not a soft approach—it is the most honest and effective public safety strategy we have. True public safety comes from addressing root causes, not simply managing symptoms.

Maryland has an opportunity to lead by choosing evidence-based, compassionate justice reform that serves everyone—victims, communities, families, and those seeking redemption. The PATH Act represents that leadership.

On behalf of Helping Ourselves To Transform and the women and families we serve, I respectfully urge a FAVORABLE report on SB 0138 / HB 0084 – The PATH Act (2026).

Thank you for your time, your leadership, and your commitment to justice that truly heals and prospers.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Crystal A. Combs". The signature is fluid and cursive, with a large initial "C" and "A".

Crystal A. Combs

Vice President, Helping Ourselves To Transform (HOTT)

LOHM_Letter_of_Support_PATH_Act_BRANDED_UPDATED.pdf

Uploaded by: DaMarqus Moore

Position: FAV



THE LADIES OF HOPE MINISTRIES, INC.

Ending the Poverty and Incarceration of Women and Girls Globally
8 W 126th Street • New York, NY 10027
(646) 820-0011 • tksam@thelohm.org

Date: January 21st, 2026

RE: Letter of Support for SB 0138 / HB 0084 – The PATH Act

Dear Honorable Members of the Maryland General Assembly,

I write in strong support of SB 0138 / HB 0084 – The PATH Act (Providing Alternatives Through Healing), legislation that reflects a thoughtful, humane, and evidence-based approach to justice for justice-involved individuals.

As the Founder and CEO of The Ladies of Hope Ministries (LOHM)—a national organization dedicated to ending the poverty and incarceration of women and girls—and as someone who has personally experienced incarceration and later received a full and unconditional Presidential Pardon, I understand firsthand the transformative power of second chances rooted in healing, accountability, and opportunity.

The PATH Act represents a critical step forward by promoting fair and proportional sentencing, prioritizing rehabilitation over punishment, and advancing public safety through community-based solutions. By expanding access to trauma-informed and therapeutic alternatives, this legislation acknowledges what decades of research and lived experience have shown: healing people strengthens families, stabilizes communities, and reduces recidivism.

Through our Hope House PGC program located in Prince George's County, we provide safe, stable housing for women actively fleeing domestic violence, made possible through our partnership with the U.S. Department of Housing and Urban Development (HUD). This initiative offers permanent supportive services and up to one year of rental assistance, ensuring survivors have the stability, safety, and wraparound support needed to heal, rebuild, and transition toward long-term independence.

At LOHM, we work daily with women and families navigating the long-term impacts of incarceration. We see how untreated trauma, mental health challenges, and lack of access to supportive services perpetuate cycles of harm. The PATH Act directly addresses these realities by offering pathways that foster restoration rather than continued punishment—benefiting not only justice-involved individuals, but their children, families, and the broader community.

I also wish to express deep appreciation to Senator Shaneka Henson and Delegate Stephanie Smith for their leadership and sponsorship of this legislation. Their commitment to survivor-centered, healing-focused policy reflects a bold and compassionate vision for justice that is both smart and just.

Supporting legislation like the PATH Act affirms that accountability and compassion are not mutually exclusive—and that true public safety is achieved when we invest in people's capacity to heal and thrive.

Thank you for your consideration and for your continued commitment to policies that uplift communities, strengthen families, and create lasting change.

With respect and gratitude,

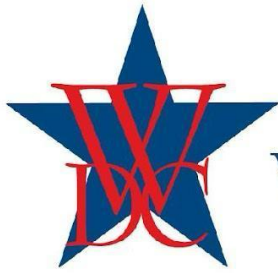
Dr. Topeka K. Sam

Founder & Chief Executive Officer
The Ladies of Hope Ministries, Inc.

SB 138 - FAV - WDC Jan 2026 final (2).pdf

Uploaded by: Deborah Williams

Position: FAV



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**Senate Bill 138 - Providing Alternatives Through Healing
for Justice-Involved Individuals (PATH Act)**

Judicial Proceeding Committee – January 27, 2026

SUPPORT

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2026 legislative session. WDC is one of Maryland's largest and most active Democratic clubs with hundreds of politically active members, including many elected officials.

WDC urges passage of SB 138. This bill provides a legislative solution for the injustice faced by women, especially women of color, who are incarcerated for actions related to surviving domestic violence while the abusers often go unpunished. With the enactment, evidence of domestic violence, when a contributing factor in the commission of a crime, can be considered as a mitigating factor at sentencing and during sentence modification and reduction hearings.

A total of 54.4% of Maryland women report having experienced intimate partner violence within their lifetime, higher than the national average. Roughly 38% of women experience physical violence, 40.9% sexual violence, 51.5% psychological violence, and 12.5% stalking.¹ Research indicates upwards of 70% of incarcerated women have been victims of intimate partner violence (IPV).² Too often, survivors of this violence are often framed as unstable and are ignored and marginalized. Too often, when a victim of domestic violence commits a crime, her trauma is treated as irrelevant.

This is grossly unfair and results in unnecessarily lengthy sentences that do nothing to improve public safety but do extend the trauma of the victim and the victim's family. Inequitable sentencing is expensive for the state. Conservative estimates peg the cost of incarceration at more than \$112 thousand, per person, per year.³ On the other side of the ledger, the cost of implementing SB138 will be minimal.

We ask for your support for SB 0138 and strongly urge a favorable Committee report.

Cynthia Rubinstein
WDC President

Deborah Williams
WDC The Basics Committee

Kate Stein
WDC Advocacy Chair

¹ *Helping ourselves to Transform*, The Path Act Impact Report 2026

² https://law.unc.edu/wp-content/uploads/2025/04/Consolidated-Report_From-the-Cradle-to-the-Grave_Criminalization-of-Survivors.pdf

³ <https://usafacts.org/articles/how-much-do-states-spend-on-prisons>

Maryland Catholic Conference_FAV_SB138.docx.pdf

Uploaded by: Diane Arias

Position: FAV



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>

Carmen Support letter - THE PATH ACT SB0138_HB0084

Uploaded by: Dr. Carmen Johnson

Position: FAV



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,

My name is Dr. Carmen Johnson, and I am the Co-Founder and the Executive Director of Helping Ourselves to Transform (HOTT). I am an Indigenous American woman raised in Prince George's County and currently a resident of Anne Arundel County. I am here today to respectfully urge a **favorable report** on the **PATH Act—SB0138 / HB0084**. I also want to sincerely thank **Senator Shaneka Henson** and **Delegate Stephanie Smith**, the sponsors of this urgent legislation, for being strong champions for survivors.

This bill is personal for me. I am a survivor of financial and psychological abuse from a male intimate and business partner, and I am also a survivor of justice-system abuse. When I needed the courts' understanding, the system failed me. Instead, my mental health was weaponized against me at trial, and I was punished harshly because I refused to accept a plea deal for something I did not do. I needed to fight for the truth and my life in the midst of mental health breakdowns stemming from domestic and injustice abuse. And I want to be clear about what that felt like: as a community leader in Maryland for more than 30 years, I was treated like an animal through this whole process as I moved through the pipeline of this injustice system. The harm did not end at sentencing. While incarcerated, I experienced physical and psychological abuse by prison guards.

When I came home, reentry was extremely difficult because I was still carrying the trauma of abuse by my former partner, compounded by the trauma of the court process and my incarceration. That trauma has followed me to this day. I live with PTSD, anxiety, and the lasting effects of what I endured with triggers daily. In my case, Lady Justice was absent. My lived experience, my trauma, the coercion, the harm was not considered. I know what it feels like to have your pain dismissed, minimized, or treated like an inconvenience, and then to be judged and sentenced without the full truth ever being fully heard.

At MCI-W, too many women are living that same reality. Many are not there because they are dangerous, but because they are survivors whose histories of domestic violence, coercion, and trauma were never fully heard or given meaningful weight in court. When trauma is erased, courts become disconnected from reality, and survivors are left without the services, programs, and protections they need, especially women of color, who are too often the least protected. That is why the **PATH Act** matters. It creates a clearer, more trauma-informed pathway for courts to consider documented evidence of abuse at sentencing, so survivors are not punished for surviving and so outcomes are safer, more informed, and more just. This

work has been made stronger through collaboration. HOTT has worked alongside more than 25 interns, academic and community partners, organizations, legal advocates and advocates committed to improving outcomes for women, Individuals and families in Maryland through the PATH Act. Everyone has contributed research, listening sessions, and policy support. We are grateful for every survivor, expert, student, and organization that helped build the record that supports THE PATH ACT. Maryland has an opportunity right now to lead with both **accountability** yet **compassion** and to strengthen public safety by ensuring courts have the information and framework they need to make better decisions. For these reasons, I respectfully ask for a **favorable report** and for you to **vote yes on SB0138 / HB0084**. Thank you.

Thank you for your time and consideration,

/S/Dr. Carmen Johnson

carmen@helpingourselves.org

Sponsor:



The National Center on Violence Against Women in the Black Community



OUT FOR JUSTICE



WRITTEN TESTIMONY IN SUPPORT OF THE PATH ACT.pdf

Uploaded by: Dr. Mildred D Muhammad

Position: FAV

WRITTEN TESTIMONY IN SUPPORT OF THE PATH ACT

Criminal Procedure – Sentencing – Domestic Violence as a Mitigating Factor *(Providing Alternatives Through Healing for Justice–Involved Individuals Act)*

I am Dr. Mildred Muhammad, award-winning speaker, certified domestic violence advocate, and survivor of long-term coercive abuse. I am also the former spouse of the individual later known publicly as the D.C. sniper. I am here in strong support of the PATH Act because it addresses a critical gap in how our justice system understands domestic violence, coercion, and accountability.

Domestic violence is not only physical. It includes coercive control, threats, intimidation, isolation, economic abuse, and psychological domination. These tactics strip victims of autonomy and force decisions rooted in survival. When courts cannot consider that context, sentencing becomes disconnected from the truth and from public safety.

Before the 2002 shootings, I repeatedly sought help from law enforcement and the FBI after my children were taken out of the country by their father instead of being returned from a scheduled visitation. Custodial interference is a first-degree felony and treated as kidnapping, yet no action was taken, even though I had a lifetime restraining order in place. I told authorities I was in hiding because he had said, “You have become my enemy, and as my enemy, I will kill you.” Instead of protection, I was told investigators wanted to place me in the middle of a parking lot and use me as bait to draw him out. I refused because no one would know where a bullet would come from.

After his arrest, I was treated not as a victim, but as a potential accessory. My security was removed. When I asked what would happen if he found and killed me, I was told, “That would have been an oops.” I had to retain a criminal defense attorney for my own protection and was subpoenaed during the trial.

The court refused to allow evidence of my domestic abuse to be introduced, ruling there was insufficient connection. Yet I was the reason he came to this area. Had he killed me, he would have gained custody of our children and could have accessed the \$100,000 victim compensation funds connected to the D.C. sniper case.

At the same time, the public was told to look for two White suspects in a white box truck. The reality was one Black adult male and one Black boy traveling in a Chevrolet Caprice. That misdirection mattered. It diverted attention away from my circumstances as the intended target while he remained free to stalk me.

The PATH Act does not excuse crime. It does not remove accountability. It gives courts the authority to consider credible evidence that domestic violence was a significant contributing factor, so sentencing reflects the full truth. I urge a favorable report on the PATH Act.

Ujima SB0138.pdf

Uploaded by: Gretta Gardner

Position: FAV

BILL NO: SB0138/HB0084

TITLE: Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals [PATH] Act

COMMITTEE: Judicial Proceedings

HEARING DATE: January 27, 2026 at 1 p.m.

POSITION: **SUPPORT**

I am the Chief Legal + Program Officer of Ujima, The National Center on Violence Against Women in the Black Community (Ujima). Ujima is a national culturally specific organization, founded in 2015, that provides support to and is a voice for the Black community in response to domestic, sexual, and community violence. Through our research; national, state, and local public policy; training and technical assistance; and outreach and engagement efforts, we harness the power of collective action to drive meaningful change. We accomplish these goals through our federally funded resource center from the U.S. Health and Human Services/Office on Family Violence and Prevention Services; targeted training and technical assistance through the U.S. Department of Justice/Office on Violence Against Women; and generous corporate partners and philanthropic foundations.

First and foremost, thank you for your commitment to not only identifying, but also addressing criminal justice reform in the State of Maryland. Ujima strongly commends your commitment to reducing barriers for Maryland citizens to improve the quality of their lives where justice and equity dictate. To this end, we ask that you continue your commitment to protecting the safeguards established for our most vulnerable citizens, survivors of domestic violence, by passing The PATH Act. Secondly, the statistics speak for themselves. Gender-based violence does not discriminate-anyone can be a victim. In the United States, one in four women will experience some form of gender based-violence in her lifetime.¹ More than 70 percent of women incarcerated in prisons and jails report surviving domestic violence or sexual assault.² Domestic violence is not just a backdrop to incarceration – it is a direct pipeline to prison for those who have been threatened, coerced, and harmed by a partner. Compounding this reality, women are far more likely to plead guilty to secure their

¹ Walsh, K., Keyes, K. M., Koenen, K. C., & Hasin, D. (2015). Lifetime prevalence of gender-based violence in US women: Associations with mood/anxiety and substance use disorders. *Journal of Psychiatric Research*, 62,7–13. <https://doi.org/10.1016/j.jpsychires.2015.01.002>

² Retrieved from <https://counciloncj.org/womens-justice-a-preliminary-assessment-of-women-in-the-criminal-justice-system> on January 23, 2026.



release to return to caregiving responsibilities,³ preserve housing, maintain employment, and continue their education. Together, these statistics reveal a perfect storm. Survivors who become justice-involved face a triple bind: they are punished for surviving violence, pressured into convictions to protect their families, and trapped in a system that fails to account for the coercion and trauma that brought them there in the first place.

The PATH Act recognizes the circumstances of justice-involved survivors of domestic violence and prioritizes healing and second chances over punishment. Justice dictates that survivors receive procedural fairness that has been denied so their full story is acknowledged and considered in its entirety. Problem-solving courts like Veterans Courts, Drug Courts, Juvenile Courts and Prostitution Diversion Courts take underlying circumstances into account and contextualize why defendants are vulnerable and commit certain crimes. We understand that veterans suffer from PTSD and use substances to cope with chronic pain and trauma; we understand that substance abuse users commit theft to feed their addiction; and we understand that the prefrontal cortex is not fully mature in adolescence which compromises the decision making and impulse control in teens. Survivors of domestic violence, who have endured physical, sexual, psychological, and/or financial abuse, deserve the same opportunity to have the totality of the circumstances evaluated. Survivors are vulnerable to the coercive control of their abusers and are often manipulated directly or indirectly to commit crimes just to survive.

As a national expert on domestic violence and a former domestic violence prosecutor, I have witnessed the profound miscarriage of justice when survivors are punished—not protected—for actions that were clearly taken in self-defense or under the coercive control of their abusers. These are not rare or hypothetical cases. They are real people whose lives were derailed by a system that failed to understand trauma and coercion. The cases of Marissa Alexander in Florida and Kemba Smith in Virginia stand as stark cautionary tales of what happens when the law ignores the realities of domestic violence. I have also seen what justice looks like when states choose to do better. In New York, the Domestic Violence Survivors Justice Act has provided a meaningful path toward accountability and fairness. Since June 2024 alone, 64 survivors have been resentenced—each case representing a life reclaimed from an unjust punishment. The PATH Act sends a powerful and necessary message: that Maryland recognizes domestic violence as the epidemic it is, that survivors should not be criminalized for surviving, and that this state will no longer compound violence with injustice. Passing the PATH Act affirms that Maryland stands on the right side of justice—and refuses to further victimize those who have already endured unimaginable harm.

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

³ Retrieved from <https://theappeal.org/womens-wrongful-convictions-no-crime-sexual-stereotypes> on January 23, 2026.

Support SB 138- The Path Act - UULM-MD- Candy Clar

Uploaded by: Karen Clark

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of SB 138- Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act)

To: Senator Will Smith, Jr., Chair and
Members of the Judicial Proceedings Committee
From: Karen “Candy” Clark, Lead Advocate Criminal Justice Reform
Unitarian Universalist Legislative Ministry-Maryland
Date: January 27, 2025

Unitarian Universalists value equity and justice. We believe that every person is inherently worthy and has the right to flourish with dignity, love, and compassion. We know that in order for true justice to be served, every aspect of a person must be considered. Their underlying motivations, their history, their justifications—all of it influences why people do the things they do, and if the purpose of the criminal justice system is to heal and rehabilitate these people, then those influences have to be addressed in their treatment.

This is why the Unitarian Universalist Legislative Ministry of Maryland supports **SB 138-Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act)**. This bill supports the victims of domestic or intimate partner violence, a serious crime that affects one in four women and one in seven men in Maryland per the Maryland Network Against Domestic Violence 2023 report. Many organizations provide aid to those affected. However the effects of domestic violence impact the lives of the victims forever.

The Path Act addresses the situation in which a person who is a victim of domestic violence retaliates by committing a crime against the perpetrator. Many of whom have been serving prison sentences for their “crime.” Some of these “criminals” have received sentences that were longer than the sentences of their abusers’.

The Path Act brings justice to this situation. The victim must establish evidence that the domestic violence was a significant factor that motivated the victim to act against their abuser. If the courts find this to be a factor for the defendant of the crime, the court may impose changes in the victims sentencing like reducing a mandatory sentence, or can depart from sentence guidelines.

Currently, a unique pilot program is being implemented in which 25-50 incarcerated women survivors of domestic violence are involved in a rehabilitative mentorship program developed by HOTT (Helping Ourselves to Transform). It provides them a fair and transparent pathway to early release to reintegrate back into their communities.

We ask you to stand on the side of love and justice.
Please support SB 138.

Thank you,
Karen "Candy" Clark
Criminal Justice Reform Lead Advocate

PATHActSenate.DRAFT.1.23.26.pdf

Uploaded by: Lydia Watts

Position: FAV

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.**

SB0138.docx.pdf

Uploaded by: Melody Hession

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America

Testimony Prepared for the
Judicial Proceedings Committee
on
Senate Bill 0138
January 23, 2026
Position: Favorable

Mr. Chairman and members of the Committee, thank you for the opportunity to testify. I am Reverend Melody Hession, assistant to the bishop for public policy in the Delaware-Maryland Synod of the Evangelical Lutheran Church in America, a faith community with congregations in every part of the state.

Last session, three Lutheran residents at Maryland Correctional Institute for Women in Jessup submitted testimony in favor of the Maryland Second Look Act. These parishioners are members of our congregation which gathers inside the facility, called The Community of St. Dysmas. The testimonies were of two women and one trans man. All three of their testimonies included stories of their own sexual assault within the context of the crime, which was ignored during sentencing.

Our church acknowledged in 2013 that persistent inequalities based on race, ethnicity, gender, and class challenge our criminal justice system's commitment to basic principles of justice, imposing great costs on everyone involved in the system and on society as a whole.

LaTronda Jackson, a Lutheran woman who was a victim of sexual assault in the context of her crime, has served 36 years and she still has several years ahead of her, an overly harsh sentence because the system was only equipped to see her as a criminal, rather than as a complex web of both criminal and victim. Her family suffers on the outside as her children are deprived of their mother, though she does all she can through limited circumstances to support her children through programs like Girl Scouts Beyond Bars. Stories like Ms. Jackson's are why we of the ELCA advocate for more trauma informed sentencing in Maryland.

We urge a favorable report.

Rev. Melody Hession

PATH Act_SB138_CVP_FiniganCarr2026.pdf

Uploaded by: Nadine Finigan-Carr

Position: FAV



Nadine Finigan-Carr, PhD
Executive Director
601 West Lombard Street, Suite 429
Baltimore, MD 21201

TESTIMONY ON SB 0138
Criminal Procedure Sentencing – Domestic Violence as a Mitigating Factor (PATH Act)
Committee: Judicial Proceedings
January 27, 2026 at 1pm

The University of Maryland, Baltimore Center for Violence Prevention (CVP) supports SB 0138, which would be transformational to Maryland’s criminal justice response to survivors of sexual violence – particularly those whose offense is directly linked to abuse, coercion, and trauma. Among women in prison, more than 70% have experienced abuse from an intimate partner. Black women disproportionately experience both domestic violence and intimate partner violence, with more than 55% facing stalking, physical, or sexual violence over the course of their lifetimes. Because domestic violence and intimate partner violence can be deadly, those who experience it may engage in self-defense in order to survive. However, when Black women defend themselves from this abuse, they are frequently criminalized for it leading to their entanglement in the criminal justice system. The proposed legislation is a step towards addressing the criminalization of survivors. It establishes that domestic violence may be considered as a mitigating factor at sentencing or upon motion of modification for certain offenses, and that the court may depart from mandatory minimums or sentencing guidelines in imposing a just and appropriate sentence.

I am the inaugural Executive Director of the CVP. We are a community informed initiative of the University of Maryland, Baltimore in collaboration with the R Adams Cowley Shock Trauma Center at the University of Maryland Medical Center – the first of its kind. Our aim is to build resilient communities for all through the prevention and intervention of all forms of violence and trauma. We do this in an interdisciplinary, collaborative fashion where we conduct community-based participatory research, provide creative and impactful education, and inform and advocate for policies that strengthen our communities to prevent violence and trauma.

As a woman of color, I have focused on the application of behavioral and social science perspectives to research on contemporary health problems, especially those that disproportionately affect people of color. I am a prevention research scientist whose scholarship has focused primarily on individuals and the environments that support or impede chronic disease prevention or management, injury, and violence -- specifically, gender-based violence. In my research, I have found that eliminating barriers to accessing domestic violence service provision is key to enhancing practice and policies that impact survivors. The PATH Act would allow survivors to receive shorter sentences for offenses which are entwined with their victimization.

For these reasons, the UMB Center for Violence Prevention supports SB 0138.

HOTT Testimony - NJ 1.22.pdf

Uploaded by: Nasir Jenkins

Position: FAV

Testimony SB0138 / HB0084

The Path Act

Nasir Ali Jenkins

nasir@helpingourselves.org

Good afternoon, Senator Will Smith, Vice Chair Jeff Waldstreicher, and Judicial Committee.

My name is Nasir Ali Jenkins, and I am writing in full support of the PATH Act, I serve as a college intern with Helping Ourselves to Transform (HOTT), I am a part of an organization committed to trauma-informed advocacy, community healing, and justice-centered reform. I am a recent graduate of Bowie State University with a Bachelor of Science in Criminal Justice with a focus in Social Justice, this degree and education have prepared me for advanced legal and policy work in social services.

Through my work with Helping Ourselves to Transform, I have seen how untreated trauma, mental health needs, and lack of appropriate intervention—particularly in Black, Brown, and Queer communities—push individuals deeper into the criminal legal system rather than toward healing. Many justice-involved individuals are survivors of violence, poverty, substance use disorders, and systemic inequities, yet the current system too often responds with punishment instead of care, perpetuating cycles of harm. An additional demographic that is often overlooked and under reported are men, who are usually too embarrassed to come forward and report abuse.

The PATH Act acknowledges that accountability and healing can coexist. It provides justice-involved individuals access to trauma-informed care, behavioral health support, and rehabilitative services, prioritizing prevention, restoration, and long-term public safety over incarceration. My experience working with survivors and justice-impacted individuals shows that addressing root causes such as trauma, addiction, and untreated mental illness significantly and reduces future system involvement.

Passing the PATH Act is not only a matter of justice reform, but also of public health, racial equity, and fiscal responsibility. Trauma-informed alternatives reduce recidivism, strengthen families, and lower long-term costs while affirming the dignity and humanity of those deserving meaningful support. On behalf of survivors, families, and community members, I strongly urge a favorable report and decision on SB0138 and HB0084.

The PATH Act moves Maryland closer to a justice system that heals rather than harms.

Nasyr - testimony - SB0138 & HB0084 Support Letter

Uploaded by: Nasyr Mathis-Chambers

Position: FAV

January 23, 2026
Mr. Nasyr Mathis-Chambers
nasyr@helpingourselves.org

Please vote favorable for
THE PATH ACT

To the Honorable Senator Will Smith and the Vice President and Judicial Committee,

I am Nasyr Mathis-Chambers, a Public Policy and Political Science student at St. Mary's College of Maryland. I am writing in strong support of **SB0138 and HB0084 (the PATH Act)**. In addition to my studies, I serve as an intern with Helping Ourselves to Transform (HOTT) under the leadership of Dr. Carmen Johnson.

As Dr. Johnson's mentee for many years, I have seen firsthand how trauma, especially domestic violence, can create lifelong mental, emotional, and physical harm. Prior to her incarceration, Dr. Johnson experienced domestic abuse, including financial and psychological abuse by a former fiancé and business partner. Much of that abuse went unrecognized and unconsidered during her trial. Her trauma was further compounded by the way she was treated throughout the legal process and, later, while incarcerated, where she reports being subjected to verbal, physical, and psychological abuse by correctional staff. Although she is now home, those experiences have continued to impact her ability to fully heal and to experience a stable, supported reentry.

What is most astonishing to me is that Dr. Johnson continues to fight for others, especially women, despite having had so little support when she needed it most. Her story reflects a larger reality: our system is filled with people, particularly Black, Brown, and Indigenous individuals, who are survivors of abuse and trauma, yet their experiences are often dismissed, minimized, or excluded from meaningful consideration at sentencing. Too often, survivors are met with punishment instead of protection, and incarceration becomes a continuation of harm rather than a pathway toward rehabilitation.

Dr. Johnson is one of thousands, particularly Indigenous cisgender and transgender women, who have endured similar mistreatment. Many survivors never report abuse at all, or they remain silent out of fear, coercion, or to protect their abuser rather than themselves. And when survivors do speak up, Maryland's current legal framework too often prevents them from presenting evidence of prior abuse in a way that meaningfully informs sentencing. This exposes a serious gap in trauma-informed understanding and in the recognition of how domestic violence can shape a person's decisions, survival responses, and involvement in the legal system. The consequences are profound: a person's life, safety, and future can be determined without the court ever fully considering the harm they endured.

By passing **SB0138 and HB0084**, Maryland has a real opportunity to improve outcomes for survivors and strengthen the fairness of our justice system. The PATH Act would help ensure survivors receive more informed,

trauma-responsive consideration at sentencing, and that they have access to the services, programs, and protections they may need when they appear before a judge. Dr. Johnson's story has helped motivate HOTT to be part of the change Maryland needs, and the PATH Act is a critical step toward a more just and equitable state.

I would also like to personally thank Senator Shaneka Henson and Delegate Stephanie Smith for serving as champions of this very important legislation.

I respectfully urge a **favorable report and vote** on **SB0138 and HB0084**.

Sincerely,

Nasyr Mathis-Chambers

O. Moyd PATH Act MAJR Testimony.pdf

Uploaded by: Olinda Moyd, Esquire

Position: FAV

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



January 27, 2026

Senate – Judicial Proceedings Committee

**Testimony in Support of SB 138 – Criminal Procedure – Sentencing – Domestic
Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-
Involved Individuals (PATH))**

Submitted by Olinda Moyd, Esq.

The Maryland Alliance for Justice Reform supports the PATH Act and we seek a favorable vote in support thereof. We are a non-partisan, volunteer organization with membership throughout the entire state.

A resounding theme that repeatedly surfaces through interactions with incarcerated individuals in Maryland’s prisons are the stories of abuse that so many of these individuals have experienced – especially the women. The histories of domestic violence, sexual assault and trauma are interwoven through the stories of so many. Women who have been victims of intimate partner violence are disproportionately represented in our criminal legal system.¹ But men, transgender and nonbinary individuals also report histories of domestic abuse and violence. However, this is especially true for people of color who are overwhelmingly represented among our carceral population. These criminalized survivors share failures or missed opportunities to introduce evidence of their abuse during critical stages in the criminal legal process.

Despite the stated goal of securing justice for victims, criminalized survivors of domestic violence are not provided the same protections when their abuse culminated with a criminal act. They are routinely prosecuted and punished. Misconceptions about how a “victim” should respond to abuse influences how survivors are viewed, assessed, and treated by our criminal legal system, advocates and even community reentry service providers. Individuals who stay in abusive relationships often do not report such abuse to law enforcement. The

¹ 86% of incarcerated women report having experienced sexual violence in their lifetime, 77% report partner violence and 60% report caregiver violence; Sentencing Reform for Criminalized Survivors: Learning from New York’s Domestic Violence Survivors Justice Act, The Sentencing Project Report (April 2023).

bill specifies that evidence introduced may include records, reports and testimony from the individual, family members, friends, counselors, social workers and others sources that the court may consider relevant.

Violence is only one tool that perpetrators use to gain greater power in a relationship. Many individuals are compelled to act through violence or threats or pressure out of immediate fear of injury or death. They share stories of being subjected to ongoing, carefully orchestrated power and control that includes isolation, economic abuse, using threats and coercion, using intimidation, emotional abuse and having their perpetrator minimize and deny that such abuse even took place. These measures of coercion are usually embedded within broader measures of psychological abuse, and a great majority of these individuals suffer from mental health issues, chronic physical conditions and are routinely diagnosed with post-traumatic stress disorder.²

Now is the time for Maryland to pass legislation that will provide for the introduction of relevant mitigation evidence at the time of sentencing and at modification or sentencing reduction procedures. We must foster greater opportunities for criminalized survivors to be heard, recognized and valued as they journey through the various stages of our criminal legal system.

SB 138 ensures Maryland takes a trauma-informed approach to justice by recognizing that many incarcerated individuals—especially women and LGBTQ+ people—are survivors of domestic violence whose offenses are directly tied to abuse, coercion, and trauma. The Act allows courts to consider domestic violence as a mitigating factor, depart from mandatory minimums, and modify sentences when appropriate, aligning Maryland with national efforts in states like New York, Oklahoma, Oregon, and Louisiana to deliver fair, compassionate, and survivor-centered justice.

We urge a favorable report on SB 138.

Olinda Moyd
moydlaw@yahoo.com
www.ma4jr.org

² Complex PTSD in survivors of intimate partner violence: risk factors related to symptoms and diagnoses; European Journal of Psychotraumatology, 2021, Vol 12, 2003616.

Testimony in support of SB0138 - Criminal Procedur

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0138_RichardKaplowitz_FAV
01/27/2026

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0138- POSITION: FAVORABLE

Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act)

TO: Chair Smith, Jr., Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0138, **Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act)**

This bill seeks to authorize 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. It seeks to prevent the revictimization of the person who acted outside the law to protect themselves from violence in ways that might have been considered criminal.

This bill responds to problems documented by R Street in their report *From Victim to Defendant: How Justice Falls Short for Women*¹

For decades, the justice system has failed to recognize how deeply intertwined women's victimization and criminalization are. A serious response requires policies that account for trauma, economic instability, relational dynamics, health differences, and other factors that drive many women into the system.

Maryland can and should do better towards these domestic violence victims and this bill will facilitate that healing conduct in our judicial system.

I respectfully urge this committee to return an favorable report on SB#/0138.

¹ <https://www.rstreet.org/research/from-victim-to-defendant-how-justice-falls-short-for-women/>

FAVORABLE REPORT on THE PATH ACT SB0138_HB0084.pdf

Uploaded by: Sackiella Sackie

Position: FAV

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,

My name is Sonja Owens, and I am a Licensed Clinical Professional Counselor (LCPC) and the President of Helping Ourselves to Transform. In my work with women who have experienced domestic violence and trauma, I have seen a troubling rise in financial abuse connected to domestic violence.

Many women share that their partners convince them not to work and instead stay home to care for the house and children. They are promised financial support so they “do not have to worry.” What begins as help often turns into control.

In reality, these women are often trapped. They are talked down to and abused physically, emotionally, and financially. When they do not do what their partner wants, money is taken away. They are told they do not deserve money, do not need it, and that everything they need will be provided for them. This leaves them dependent and unable to leave.

This abuse can grow into forced criminal behavior. I worked with a client who managed rental payments and took deposits to the bank. When her partner learned she had access to the account, he forced her to steal money from it. She did this because she was afraid she would be beaten if she refused.

These stories are not rare. More women are coming into therapy and sharing similar experiences of financial control, threats, violence, and sexual abuse. These cases show that

financial abuse is a form of domestic violence and is used to maintain power and control over survivors.

It is important to clearly state what the PATH Act does and does not do. The PATH Act does not protect rapists or child molesters. While the bill recognizes that some survivors may have experienced rape or sexual assault, it clearly says that PATH mitigation does not apply to those crimes. The law excludes Sexual Crimes and Abuse and Other Offensive Conduct, which includes child abuse and sexual abuse of a minor. This means that people convicted of those crimes are not eligible for relief under this law.

The PATH Act is narrowly focused on allowing courts to consider proven domestic violence as a mitigating factor in eligible cases. It includes strong safeguards: it does not create a defense, it does not reduce victims' rights, and it requires judges to explain their decisions on the record.

I share this testimony to show the serious harm caused by financial abuse and to stress the need for laws that respond with understanding and proper support instead of punishment.

Thank you for allowing me to speak today.

Sonja Owens,

LCPC

President of Helping Ourselves to Transom

NEW Testimony SB0138 _ HB0084.pdf

Uploaded by: Sackiella Sackie

Position: FAV

Testimony SB0138 / HB0084

The Path Act

Sackiella Sackie

240-604-6789 | Sackiella@helpingourselves.org

Good afternoon, Senator Will Smith, Vice Chair Jeff Waldstreicher, and members of the Judicial Committee.

My name is Sackiella Sackie, and I am a resident of Hyattsville, Maryland. I am here today in strong support of the PATH Act.

I serve as the Lead Intern and Executive Assistant with Helping Ourselves to Transform, an organization rooted in trauma-informed advocacy, community healing, and justice-centered reform. I am also a sociology major at Bowie State University, preparing for advanced clinical and policy work in social services.

Through my work, I have seen something very clear: many people in our criminal legal system are not there because they are beyond help, they are there because help came too late.

I have worked with individuals carrying deep trauma, untreated mental illness, addiction, and the weight of poverty. Especially in Black and Brown communities, these realities are too often met with punishment instead of care. When the system responds without understanding, it does not create safety, it creates cycles of harm.

The PATH Act matters because it finally says what communities have known for years: accountability and healing can exist together. This bill provides trauma-informed care,

behavioral health support, and real rehabilitation—before incarceration becomes the default response.

When people receive the right support at the right time, lives change. I have seen individuals stabilize, reconnect with their families, and return to their communities with purpose instead of shame. This is not a theory. This is real—and it works.

Passing the PATH Act is about more than justice reform. It is about public health, racial equity, and fiscal responsibility. It reduces repeat system involvement, strengthens families, and makes communities safer.

Maryland has a choice: continue funding punishment; or lead with courage and invest in healing.

On behalf of survivors, families, and communities across this state, I strongly urge a favorable report on SB0138 and HB0084.

The PATH Act is not soft on accountability—it is strong on solutions. And it is the bill Maryland should pass.

Thank you.

Sackiella Sackie

Lead Intern/ Executive Assistant for Helping Ourselves To Transform

PATHACTletter.docx (1).pdf

Uploaded by: Sackiella Sackie

Position: FAV



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.

Charles B. Adams, Ph.D.

Professor

Department of Sociology and Child Studies

Executive Director, Institute of Restorative Justice and Practices

Executive Director of Bowie State University's Prison Education Program

Testimony SB.pdf

Uploaded by: Sackiella Sackie

Position: FAV

Testimony SB0138 / HB0084

The Path Act

Sackiella Sackie

240-604-6789 | Sackiella@helpingourselves.org

Good afternoon, Senator Will Smith, Vice Chair Jeff Waldstreicher and Judicial Committee,

My name is Sackiella Sackie, and I am a resident of Hyattsville, Maryland. I am writing in strong support of the PATH Act. I currently serve as the Lead Intern and Executive Assistant with Helping Ourselves to Transform (HOTT), an organization committed to trauma-informed advocacy, community healing, and justice-centered reform. I am also a sociology major at Bowie State University, preparing for advanced clinical and policy work in social services. I respectfully urge you to pass this critical legislation.

Through my work with Helping Ourselves to Transform, I have witnessed firsthand how trauma, untreated mental health needs, and lack of appropriate intervention push individuals, especially Black and Brown communities deeper into the criminal legal system instead of toward healing. Many of the individuals we serve are not inherently criminal; they are survivors of violence, neglect, poverty, substance use disorders, and systemic inequities. The current system often responds with punishment rather than understanding, which only perpetuates cycles of harm.

The PATH Act is important because it recognizes what so many communities have long known: accountability and healing are not mutually exclusive. This bill creates a pathway for

justice-involved individuals to receive trauma-informed care, behavioral health support, and rehabilitative services rather than defaulting to incarceration. It prioritizes prevention, restoration, and long-term public safety, outcomes that punitive approaches alone have consistently failed to achieve.

In my experience working alongside survivors, families, and justice-impacted individuals, I have seen how access to the right support at the right time can completely change someone's life trajectory. When people are given the opportunity to address the root causes of their behavior—whether it is trauma, addiction, or untreated mental illness, they are far more likely to reintegrate successfully into their communities, maintain stability, and avoid future system involvement.

Passing the PATH Act is not only a matter of justice reform; it is a matter of public health, racial equity, and fiscal responsibility. Investing in trauma-informed alternatives reduces recidivism, strengthens families, and lowers long-term costs to the state. More importantly, it affirms the dignity and humanity of individuals who deserve a second chance and access to meaningful support.

On behalf of many voices we services; survivors, families, and community members, I strongly urge a favorable report on SB0138 / HB0084. Maryland has the opportunity to lead with compassion, evidence-based policy, and courage. The PATH Act moves us closer to a justice system that truly heals rather than harms.

Thank you for your time, consideration, and commitment to the people of Maryland.

Respectfully submitted,

Sackiella Sackie

SB0138 sponsor testimonyJPR.1.27.pdf

Uploaded by: Senator Shaneka Henson

Position: FAV

SHANEKA HENSON
Legislative District 30
Anne Arundel County

Judicial Proceedings Committee

Joint Committee on Children,
Youth, and Families



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SPONSOR TESTIMONY

**Senate Bill 138 - Criminal Procedure –
Sentencing - Domestic Violence as a Mitigating Factor
(Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act).
January 27, 2026**

Chair Smith, Vice Chair Waldstreicher and Committee Members

To my esteemed colleagues, it is my privilege to present **Senate Bill 138 - Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act).**

For the record, I am Senator Shaneka Henson from the 30th Legislative District of Anne Arundel County, MD.

When you hear from the panel of experts following me, you will understand the depth of research and dedicated work that has gone into developing this important legislation. You also have a copy of the PATH report produced by the organization describing their ongoing work.

This bill fills a critical gap in our current legal process in presenting the full story surrounding the domestic violence incident to the victim. It authorizes the introduction of evidence that a defendant was the victim of domestic violence, and that the domestic violence was a significant contributing factor to the commission of the crime for which the defendant was convicted. A court may impose a reduced sentence, as specified, if the court finds that domestic violence was a significant contributing factor to the defendant's commission of the crime. The bill limits applicability to a defendant convicted of certain crimes and may not be construed to (1) create a separate crime; (2) authorize a court to impose a sentence that exceeds the maximum sentence provided by law; (3) establish a defense to prosecution; (4) diminish the rights of victims of crime; or (5) prohibit a court from considering evidence of domestic violence under any other applicable provision of law.

With us today, to support the approval of this proposed legislation are:

Dr. Carmen Johnson, founder of the organization Helping Ourselves To Transform who has been instrumental in the evolution of this legislation.

- **Professor Olinda Moyd, Esq. , Maryland Alliance for Justice Reform**
- **Professor C.A. Adams leading the Bowie State University Prison Education Program**
- **Lydia Watts (The ROAR Center)**
- **Gretta Gardner (Ujima)**
- **Debroah Williams, CPA, survivor, and Affiliated with Women's National Democratic Committee**

Colleagues, after hearing this incredible testimony and reading the additional letters of support, I respectfully urge a FAVORABLE vote for this important legislation. Thank you.

2026_01_28 SB 138 - Domestic Violence as a Mitigat

Uploaded by: Tiffany Clark

Position: FAV

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

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Deputy Attorney General



PETER V. BERNS
General Counsel

CHRISTIAN E. BARRERA
Chief of Staff

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

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

SB138

Uploaded by: Ufuoma Agarin

Position: FAV



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401
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February 05, 2026

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Delegate Greg Wims, District 39

Delegate Caylin Young, District 45

Dear Chair and Members of the Committee,

The Legislative Black Caucus of Maryland offers its strong and favorable support for House Bill 84/ Senate Bill 138 - Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice- Involved Individuals (PATH Act)). This trauma-informed legislation advances fairness in sentencing, strengthens public safety, and recognizes the profound and lasting impact that domestic violence can have on individuals who later become involved in the criminal justice system.

House Bill 84/ Senate Bill 138 acknowledges that survivors of domestic violence often experience long term physical, emotional and psychological trauma that can significantly influence behavior, decision-making, and mental health.

When that trauma goes unrecognized within the justice system, survivors may face disproportionately harsh outcomes that fail to address the root causes of their involvement. By allowing courts to consider documented experiences of domestic violence as a mitigating factor during sentencing, the PATH Act promotes individualized justice while maintaining accountability.

This legislation is particularly important for Black Marylanders and other marginalized communities, who are disproportionately impacted by both domestic violence and the criminal legal system. Structural inequities, limited access to trauma-informed services, and over-policing have resulted in survivors' experiences often being overlooked or misunderstood during sentencing. **House Bill 84/ Senate Bill 138** helps address these disparities by empowering judges to consider the full context of a person's lived experience and by encouraging responses that emphasize healing and rehabilitation rather than punishment alone.

Additionally, **House Bill 84/ Senate Bill 138** supports evidence-based alternatives to incarceration that improve long-term public safety outcomes. Trauma-responsive sentencing practices have been shown to reduce recidivism by connecting justice-involved individuals to counseling, behavioral health services, and supportive programming that address underlying harm. These approaches not only benefit survivors, but also strengthen families and communities by breaking cycles of violence and incarceration.

Ultimately, **House Bill 84/ Senate Bill 138** reflects Maryland's commitment to a justice system that is fair, restorative, and grounded in human dignity. Recognizing domestic violence as a mitigating factor does not excuse criminal conduct; rather, it ensures that sentencing decisions are informed, proportional, and aligned with best practices that promote accountability, healing, and community stability.

For these reasons, the Legislative Black Caucus of Maryland asks this Committee to vote favorably on **House Bill 84/ Senate Bill 138**.

Legislative Black Caucus of Maryland

Waunita Scott - PATH Act Testimony.pdf

Uploaded by: Waunita Scott

Position: FAV

RE: Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act
SB0138
HB0084

Chair, Ranking Member, and Members of the Committee,

Thank you for the opportunity to testify.

My story is one of many that shows the ripple effects of incarceration on children. My mother was a teenage parent who carried unhealed trauma from an abusive childhood. She turned to drugs to cope. When she lost custody of my sister and me, her addiction and incarceration only deepened. In the 1980s, courtrooms saw her as just another Black “junkie,” not as a woman, not as a mother, and not as someone in need of healing.

Because of her struggles, she was in and out of my life until I was 15. I still remember the first time I saw her in handcuffs. That image has never left me. My father and grandmother did their best to raise me, but the absence was always there. I grew up wrestling with trust, abandonment, and behavioral challenges. Even after my mother found sobriety, our relationship remained strained.

At 16, I was incarcerated myself, carrying both her unhealed pain and my own. Despite my anger, I longed for her to be my hero. Drugs and incarceration robbed us of that bond. When she died, I realized too late how much of her pain I had never truly seen.

My healing journey has taught me to humanize her—not just as my mother, but as a woman who endured unimaginable trauma. That pain became my purpose.

For more than 25 years, I have worked with at-risk and justice-impacted individuals in schools and community programs. In 2024, I founded Mavrik Village, which provides permanent, affordable housing for formerly incarcerated individuals, because I know that stability, dignity, and compassion are the foundations of resilience.

Children like me carry the invisible weight of a mother’s incarceration. It is not only women who suffer. It is their children, their families, and entire communities. Without intervention, the cycle of trauma continues.

The PATH Act offers one such intervention. By creating trauma-informed alternatives and addressing the root causes of women’s incarceration, it recognizes that healing—not punishment alone—creates safer communities. If policies like this had existed for my mother, my childhood—and many others—might have looked very different. Passing the PATH Act is not only about helping women heal. It is about breaking generational cycles and building healthier communities for all of us.

Thank you
Waunita A. Scott
CEO
Mavrik Village
Affordable Reentry Housing

PATH Act OPD FWA 1-23-25.pdf

Uploaded by: Kimberlee Watts

Position: FWA



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

HANNIBAL KEMERER
CHIEF OF STAFF

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 138, Criminal Procedure- Sentencing- Domestic Violence as a Mitigating Factor PATH Act

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 1/23/26

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 138 with amendments striking subsections B (page 3, and page 4 lines 1- 2) and E (page 4 lines 23-26) in their entirety and the phrase “listed in subsection b of this section” from page 4 line 7.

During sentencing of modification of sentence hearings defendants are already allowed to introduce evidence at that they are also victims of domestic violence as mitigation, Senate Bill 138 will not change that. However, for certain crimes and situations¹ assuming that evidence is credible, it would require judges to decide whether that domestic violence was a contributing factor in the commission of the crime, and if so it requires the court to treat the domestic violence as a mitigating factor and consider whether it warrants a departure from a mandatory minimum sentence, or a the sentencing guidelines. It does not require the judge to depart from either the guidelines or the mandatory minimums, rather it requires that they state on the record the reason for the decision and to explain why the court did or did not find the domestic violence to be a mitigating factor.

¹ The enumerated crimes are : Crimes of violence as defined by Criminal Law §14-10 except for murder, sex offenses, and child abuse); CDS distribution where the defendant was compelled to distribute, transport, or possess a controlled dangerous substance on behalf of a perpetrator; prostitution or human trafficking resulting from coercion by a perpetrator; and burglary, theft, and certain financial crimes when committed because of coercion, economic abuse or because of circumstances arising from domestic violence.

The Maryland Office of the Public Defender supports this bill because it recognizes the inherent humanity in our clients who have been the victims of domestic violence and allows for just and compassionate sentencing in light of their particular circumstances.

Helping Ourselves To Transform issued [PATH Impact Report](#) that outlines how important this bill is to Maryland, and so we will not repeat that here. Instead, we will explain how this bill would work in by using as an example Gwendolyn Levi², who recounts the story of assaulting her abusive husband in the first degree, and use of a handgun in the commission of that felony. She wrote:

One evening, after returning late from being out with friends, I was beaten into a corner and left there for hours. When he finally returned, he tried to comfort me by blaming me for what had happened and demanding that we reconcile physically. He fell asleep afterward. I noticed a .357 Magnum on the nightstand. I don't know what came over me, but I picked it up, woke him, and struck him in the face; pointing the gun at him, I told him that if he ever assaulted me and then went to sleep again, I would kill him. He lay there in stunned silence. I dressed and left that night, taking the gun with me.

It is not uncommon at all for perpetrators of domestic violence to abuse the legal system by going to a District Court Commissioner to file an application for a statement of charges pursuant to Courts and Judicial Proceedings §2-607. Fortunately, Ms. Levi was not charged. But had she been, the statement of charges would undoubtedly read that she assaulted her husband both by striking him with a gun and by pointing the gun at him while threatening his life. Under Maryland law she would be charged with First Degree Assault, which is a felony and a crime of violence, and therefore also Use of a Handgun in a Felony. Both of these charges would be impacted by this bill.

At first blush, it might seem like Ms. Levi would have a valid self-defense claim. However, under Maryland law, because he was asleep, she was no longer in imminent danger and so she can not prevail on self-defense. Ms. Levi is a dedicated mother and community member, who has served as PTA president. With no criminal history, her sentencing guidelines for First Degree Assault would call for a sentence between three and eight years in prison. Convicted of Use of a Handgun in a

² PATH Report at page 38

Felony the Judge would be *required* to sentence her to a mandatory minimum of five years in prison in addition to any penalty imposed for the First Degree Assault.³

Unlike in federal court, imposing a sentence within the guidelines is not mandatory, but filling out the guidelines worksheet is, and this includes a requirement to document the reasons for any departure from the guidelines.⁴ This includes the use of “departure codes” shown below. Notably whether the defendant was the victim of domestic violence or how whether domestic violence was a contributing factor to the crime are not among the departure codes.

Below Guidelines
<ol style="list-style-type: none">1. The parties reached a plea agreement that called for a reduced sentence.2. Offender's minor role in the offense.3. Offender is or was suffering from a mental or physical condition that reduces culpability for the offense.4. Offender's age/health.5. Offender amenable to probation or other community supervision.6. Offender made restorative efforts after the offense.7. Offender's criminal history is less severe than represented by offender score.8. Offender's commitment to substance abuse treatment or other therapeutic program.9. Recommendation of State's Attorney or Division of Parole and Probation.10. Other circumstances of the crime and/or the offenders do not warrant a sentence within the guidelines (explain in the space provided).
Above Guidelines

Women in Ms. Levi's position deserve for their circumstances around having been the victims of domestic violence to be considered mitigating factors in sentencing.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 138 with the proposed amendments.

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.
Authored by: Kimberlee Watts, Chief Attorney Forensic Mental Health Division, Office of the Public Defender. Kimberlee.watts@maryland.gov, 410-767-1839**

³ Criminal Laws § 4-204.

⁴ Maryland Sentencing Guidelines Manual § 14.1: Using the Departure Codes, page 71.

SB 138 - Informational.pdf

Uploaded by: Kirsten Brown

Position: INFO

Ivan Bates
President



Kirsten N. Brown
Coordinator

Maryland State's Attorneys' Association
3300 North Ridge Road, Suite 185
Ellicott City, Maryland 21043
kbrown@mdsaa.org ~ 301-748-1312

DATE: January 27, 2026
BILL NUMBER: SB 138
POSITION: Informational

The Maryland State's Attorneys' Association (MSAA) offers the following information related to Senate Bill 138—Criminal Procedure—Sentencing—Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act).

Senate Bill 138 creates a pathway for victims of domestic violence, who are convicted of certain crimes, to introduce evidence that domestic violence was a contributing factor to the commission of the crime. In addition, Senate Bill 138 sets up trial within a trial by requiring the domestic violence victim/defendant to prove, by a preponderance of the evidence, that domestic violence was a significant contributing factor. The domestic violence victim/defendant may produce evidence, including testimony, records, and reports, to reach this threshold. The State may introduce evidence to rebut the domestic violence victim/defendant's evidence. The proposed law requires the judge to consider the mitigating evidence but does not mandate any sentence departure or modification based on that evidence.

Currently, at sentencing, any defendant can present evidence that mitigates their crime. Prosecutors routinely see defendants, through their attorneys, friends, family members, and mental health professionals, offer statements regarding the defendant's trauma history, including, but not limited to, domestic violence, child abuse, and sexual assault. The State can make responsive arguments, and the Court can consider all or none of the information from either party when fashioning its sentence.

Moreover, the current sentencing guidelines include departure factors that, while not specific to domestic violence victimization, do address any defendant's history of trauma. Specifically, the guidelines include that the offender is or was suffering from a mental or physical condition that reduces culpability for the offense, and other circumstances of the crime and/or the offender do not warrant a sentence within the guidelines. One potential solution, in lieu of a legislative change, could be to advocate for another, more specific, departure factor.

Courts and prosecutors should consider trauma history when fashioning a sentence or making a sentencing recommendation, but the proposed law creates an additional burden on the victim/defendant to "prove" their history of trauma. Moreover, the changes proposed by the PATH Act create an unnecessary procedure for the admission of information that the law already allows.

MCASA Testimony

Uploaded by: Lisae C Jordan

Position: INFO



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
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For more information contact:
Lisae C. Jordan, Esquire
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Testimony Regarding Senate Bill 138
Lisae C. Jordan, Executive Director & Counsel
January 27, 2026

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence.

Senate Bill 138 seeks to address the experience of victims of intimate partner violence who commit crimes in whole or in part because of their victimization. This all too common experience is a serious problem and one that MCASA completely supports addressing. We appreciate the conversations with the creators of this legislation last year, and the continuing conversations with the sponsors and other advocates. We also acknowledge that there have been improvements to the draft language. Nonetheless, MCASA is unable to support the specific language in SB138. There are multiple aspects of the bill that cause concern, and unfortunately the press of the legislative session does not provide us with the time needed to provide the extensive amendments we believe would be necessary.

There are aspects of this legislation that MCASA believes are strong and perhaps could be considered favorably with substantial amendments. In particular, establishing a process for sentence modification is a very important goal. However, MCASA must strongly object to permitting modification of a conviction for sextortion, as proposed on page 3, lines 22-23 (sextortion, Criminal Law 3-709 is contained in the Extortion subtitle). We also express concern about the application of this law to trafficking of minors as would be permitted by the provisions on page 3, lines 15-18.

The concept of allowing domestic violence to mitigate sentences is one MCASA supports, however, we note that survivors of other forms of abuse, including child sexual abuse, child abuse, and sexual assault, should also be included in this type of legislation. Of most importance to MCASA, however, is the timing of this mitigation. If a person has

committed a crime and is the domestic violence, sexual abuse or assault or child abuse was a “significant contributing factor to the defendant’s commission of the crime”, we are at a loss on why this should not be considered at trial by the fact-finder and be either a complete defense or significant factor for the judge or jury to consider as part of determining guilt.

Consider the young adult woman who commits a first degree assault against the person who sexually abused her for years, but the assault was committed when the abuser was passed out on the couch. She currently cannot avail herself of a duress defense because there is no imminent harm, but a just and fair court system should allow the factfinder to consider evidence of her abuse and her belief that violence was necessary to stop being abused. Post conviction is not the right time for this analysis – during the trial is the time this should be considered. This is what Maryland does for many survivors of human trafficking, see Criminal Law §11-306(c). This is what the state should do for victims of sexual assault, abuse, and domestic violence as well.



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Position: INFO

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CHAIR

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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