

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

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



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

SUZANNE PELZ, ESQ.  
SNR. GOVT. RELATIONS AND  
PUBLIC AFFAIRS OFFICER  
P: (410)260-1523

## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 84  
Criminal Procedure – Sentencing – Domestic Violence as a  
Mitigating Factor (Providing Alternatives through Healing for  
Justice-Involved Individuals (PATH) Act  
**DATE:** January 21, 2026  
(2/5)

### 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. Stephanie Smith

Judicial Council  
Legislative Committee  
Kelley O'Connor