

**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

**SHARON S. MERRIWEATHER**  
*Deputy Attorney General*

**ZENITA WICKHAM HURLEY**  
*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*

February 5, 2026

**TO:** The Honorable J. Sandy Bartlett  
Chair, Judiciary Committee

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

**RE:** House Bill 84 – Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act) (Support with Amendments)

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The Office of the Attorney General (OAG) supports **House Bill 84 -- Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act) with the amendments described below**. House Bill 84 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.

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.<sup>1</sup> This can include crimes committed under duress, in self-defense, or as survival mechanisms within abusive relationships.

House Bill 84 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

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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.

However, to ensure effective implementation and address technical concerns, we respectfully recommend the following amendments:

### **1. Clarify Time for Filing Motion to Modify Sentence**

The bill as currently drafted creates confusion as to the proper timeframe for filing a motion to modify sentence. The bill allows evidence of domestic violence to be considered at a hearing on a motion to modify if the motion was filed within five years of the original sentencing date. Rule 4-345, however, mandates that a motion to modify must be filed within 90 days of the sentencing date. We propose removing the reference to filing the motion to modify within five years of the original sentence.

### **2. Clarify Timing for Establishing Domestic Violence Connection**

The bill currently references "the filing of the petition" as the relevant timeframe for establishing domestic violence. This appears to have been adapted from the protective order context. We propose clarifying that the domestic violence must have occurred before or at the time of the offense for which the defendant was convicted, providing a clearer and more appropriate temporal standard.

### **3. Establish Consistent Causal Connection Standard**

The bill includes inconsistent standards for how domestic violence must relate to criminal conduct. We propose a uniform standard requiring that crimes be "committed in whole or in part as a result of coercion, control, economic abuse, or other circumstances arising from domestic violence," ensuring clarity and consistency in application.

### **4. Expand Coverage to Include Additional Domestic Violence-Related Offenses**

The bill currently applies to serious felonies including arson, manslaughter, carjacking, and armed robbery but excludes crimes more commonly committed in domestic violence contexts, such as stalking, harassment, telephone misuse, fourth-degree sexual offense, neglect of a minor, and failure to report suspected child abuse. We propose adding second-degree assault and reckless endangerment to the covered offenses, as these crimes frequently occur in domestic violence situations and survivors facing these charges would benefit from this mitigating factor framework.

### **5. Other Suggestions**

While these amendments address the most significant procedural and structural issues in the bill, we note that the legislation's application remains somewhat selective in its coverage of offenses. The enumerated crimes represent a meaningful step forward in recognizing domestic violence as

a mitigating factor, though future legislation might consider a more comprehensive approach to address the full range of criminal conduct that may arise from domestic violence victimization.

We appreciate the General Assembly's work on this important policy and welcome the opportunity to work collaboratively with the Committee to refine this legislation. For the foregoing reasons, the Office of the Attorney General respectfully urges the Committee to give **House Bill 84 a favorable report with the amendments described below.**

OAG Amendments to HB 84

On page 2, in lines 23 and 27, in each instance, strike “**FILING OF THE PETITION**” and substitute “**DATE OF THE OFFENSE FOR WHICH THE DEFENDANT WAS CONVICTED**”.

On page 3, in line 1, after “**CRIMES**” insert “**IF THEY WERE COMMITTED IN WHOLE OR IN PART AS A RESULT OF COERCION, CONTROL, ECONOMIC ABUSE, OR OTHER CIRCUMSTANCES ARISING FROM DOMESTIC VIOLENCE**”; strike beginning with “**WHEN**” in line 12 down through “**PERPETRATOR**” in line 14; strike beginning with “**WHEN**” in line 17 down through “**VIOLENCE**” in line 21; in lines 22, 24, 26, and 28, strike “**(I)**”, “**(II)**”, “**(III)**”, and “**(IV)**”, respectively, and substitute “**(4)**”, “**(5)**”, “**(6)**”, and “**(7)**”, respectively; and after line 30, insert:

“**(8) A VIOLATION OF §3-203 OR §3-204 OF THE CRIMINAL LAW ARTICLE;**  
**AND**”.

On page 4, in line 1, strike “**(v)**” and substitute “**(9)**”; in line 2, strike “**ITEM (I), (II), (III), OR (IV) OF THIS ITEM**” and substitute “**THIS SECTION**”; in line 5, strike “**TO**” and substitute “**IN**”; strike beginning with “**IF**” in line 9 down through “**A**” in line 11 and substitute “**A**”; in line 11, strike “**THE**” and substitute “**A**”.

On page 4, in line 9, strike beginning with “**IF**” down through “**SENTENCING**” on line 11.