

**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:** February 5, 2026 at 1 p.m.

**POSITION:** **SUPPORT**

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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.<sup>1</sup> More than 70 percent of women incarcerated in prisons and jails report surviving domestic violence or sexual assault.<sup>2</sup> 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

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<sup>1</sup> 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>

<sup>2</sup> 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,<sup>3</sup> 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**.

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