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Appropriations Committee

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Joint Committee on Children,
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB1406- Criminal Law - Self-Defense - Prior Acts by Victim

Hearing: March 10, 2026, 1:00pm

Chair Sandy Bartlett, Vice Chair Debra Davis

Judiciary Committee

House Bill 1406 establishes a Workgroup to Study Self-Defense, Mitigation, and Fairness When Trauma Victims Are Criminally Charged for Acts Against Abusers. Under current Maryland law, courts may consider Battered Spouse Syndrome under §10-916 of the Courts and Judicial Proceedings Article. However, that statute reflects a much narrower understanding of trauma than what modern research and survivor experiences have shown us.

Today we know that survivors of domestic violence, sexual assault, human trafficking, coercive exploitation, and child abuse may experience trauma that affects how they perceive danger and respond to abuse. In some tragic cases, survivors may be criminally charged after acting against the very person who harmed them.

House Bill 1406 takes a careful and deliberate approach to examining whether our laws properly reflect this modern understanding of trauma and fairness in the criminal justice system. The bill establishes a diverse workgroup that includes legislators, prosecutors, the Public Defender's Office, survivor advocacy organizations, legal experts, and a survivor who has experienced this issue firsthand. The workgroup will examine how Maryland's laws related to self-defense, partial self-defense, and trauma-informed evidence operate in cases where survivors are charged for acts against their abusers.

Specifically, the workgroup will review §10-916, which addresses Battered Spouse Syndrome, and develop recommendations on whether the law should be updated or expanded to reflect modern trauma science and the experiences of survivors.

Importantly, this legislation does not change the law today. Instead, it creates a structured process for experts, practitioners, and survivors to come together and provide thoughtful policy recommendations to the General Assembly.

This bill recognizes that cases involving trauma and abuse are complex and deserve careful study so that our laws balance fairness, accountability, and justice.

For these reasons, I respectfully urge a favorable report for HB1406.

Sincerely,

A handwritten signature in black ink that reads "Stephanie M. Smith". The signature is written in a cursive style with a clear, legible font.

Delegate Stephanie Smith