

HB 0084 FAVORABLE.pdf

Uploaded by: ANITA WIEST

Position: FAV

A recently released report on a study conducted by a professor of social work at Arizona State University concludes that “incarcerated women are among the most traumatized people in our country.” The study involved 408 survey participants at Estrella Jail in Maricopa County. Eighty percent of the study’s 408 participants are victims of domestic violence.

The damage done by trauma to our brains has been a subject studied since the “battle fatigue” identified in soldiers in WWI, “shell shock” in WWII, and the formal diagnosis and admission into the DSM III as PTSD. As these diagnostic symptoms started to be recognized in non-military settings, our understanding of trauma and how it re-shapes our brain has become more widespread.

Taking a bird’s eye view of the household as a combat zone, in which the threat of violence is present daily; life looks pretty scary. Removing oneself from the combat zone is often financially impossible and/or not seen as a viable solution as the perpetrator threats and actions are not always limited to the household setting. There may be no escape as seen through the eyes of the defendant.

As a woman and as a social worker, it is difficult for me to understand why a bill such as this one has not been introduced before. I think a true understanding of all the factors involved in a battered relationship would obligate the sentencing judge to consider domestic violence as a contributing factor in criminal behavior as outlined in this bill.

Furthermore, upon reading about the recent case in New York which enacted the Domestic Violence Survivors Justice Act in 2019, a further suggestion would be to provide more training for criminal court judges regarding the impact domestic violence has on defendants and their family members to truly understand why a reduction in sentencing is reasonable in these cases.

Sincerely,

Anita Wiest

203 Coulbourn Mill Road Salisbury, 21804

Professor Adams and Gwen Ivei support letter HB008

Uploaded by: Carmen Johnson

Position: FAV

February 3, 2026

4 pages

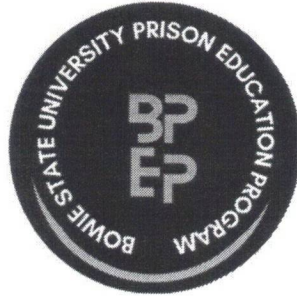
Chairman Sandy Bartlett
Vice Chair Debra Davis
The Judiciary Committee

The PATH ACT - HB0084
Hearing for 2-5-2026 at 1:00pm
Written and In person

Attached are 2 support letters for the PATH ACT:

1. Professor Charles Adams - Bowie State University Prison Education Program
2. Gwendolyn Levi - Community Leader

Thank you for accepting both testimony letters for written and in person testimony



FAVORABLE REPORT on THE PATH ACT HB0084

Dear Chairman Delegate Sandy Bartlett and Vice Chair Delegate Debra Davis 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

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

The PATH ACT - HB0084

Written Testimony of is Gwendolyn Levi

Hearing Date: Thursday 2-5-2026 at 1:00pm

Please Vote Favorable

Good Afternoon, Chairwoman Delegate Bartlett, Vice-Chair Delegate Davis and the Judiciary Committee,

My name is Gwendolyn Levi and I'm here to testify in support of the Path Act HB0084. As one who served nine years of a 400 month federal sentence at MCIW. I was released after serving 16 yrs in 2020 on Compassionate Release by my judge. During that time I was able to see and talk to many women, like myself who stated that even though their case didn't involve domestic violence, domestic violence had, was, and still is a factor in our behavior.

(Please read my written testimony)We're asking that you not allow the courts to continue to address our criminal behavior without addressing the failure of our community to address the root causes that affected that behavior. Maryland has a chance to continue its path of criminal justice reform by passing the PATH ACT; so that the trauma that continues to affect our actions can be recognized by our courts.

I urge you to vote favorably for HB0084. I want to thank Delegate Bartlett and the Judiciary Committee along with the Helping Ourselves To Transform organization for bringing this issue to the forefront.

Thank you and I urge you to vote favorably.

Gwen Levi

443-695-6480

HB 0084 - Criminal Procedure - Sentencing - DV as

Uploaded by: Catherine OMalley

Position: FAV

BILL NO:	House Bill 0084
TITLE:	Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act)
COMMITTEE:	Judiciary
HEARING DATE:	February 5, 2026
POSITION:	SUPPORT

The Women's Law Center of Maryland supports HB 84 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. HB 84 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, HB 84 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.

HB 84 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, HB 84 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 HB 84.

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.

HB0084_Criminal_Procedure_Sentencing_Domestic_Viol

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0084

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

Bill Sponsor: Delegate Smith

Committee: Judiciary

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: **FAVORABLE**

I am submitting this testimony in strong support of HB0084 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.

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)**

By Crystal A. Combs

Vice President, Helping Ourselves To Transform (HOTT)

Financial Abuse Survivor & Advocate

Chair and Honorable Members of the Committee,

My name is **Crystal A. Combs**, and I serve as Vice President of **Helping Ourselves To Transform (HOTT)**, an organization dedicated to healing, restoration, and successful reentry for survivors of trauma and returning citizens. I am also a **survivor of long-term financial abuse**, and I strongly urge a **favorable report** on **SB 0138 / HB 0084 — The PATH Act**.

Financial abuse is one of the most powerful and least recognized forms of domestic violence. It rarely leaves bruises, but it destroys stability, independence, and safety. It is not simply about money — it is about **power, control, coercion, and survival**.

Financial Abuse Is Domestic Violence

There are two primary forms of financial abuse that trap women.

The first is **complete financial dependence** — when a partner controls all access to money, transportation, housing, and employment. These survivors are often visibly trapped and unable to leave.

The second form is **financial exploitation of stable women**, which is less visible but equally devastating. These women may have careers, education, and assets, yet their partners systematically manipulate, exploit, and destroy their financial security. Society often misunderstands this form of abuse, asking, “*Why didn’t she just leave?*” What is not understood is that financial abuse creates long-term entanglement through debt, legal manipulation, damaged credit, and prolonged court battles.

I lived this reality. My former spouse exploited my trust, pressured financial decisions, refused to honor agreements, created financial obligations in my name, and used the legal system as a weapon. The financial damage lasted for years. The trauma lasted even longer.

When Financial Abuse Becomes a Lifelong Sentence

Financial abuse does not end when the relationship ends. In many cases, it escalates.

After I left my marriage out of fear for my safety, the abuse continued through mortgage sabotage, financial obstruction, and prolonged legal harassment. I was forced into bankruptcy twice, not because of irresponsible behavior, but because my abuser refused to comply with court-ordered financial obligations. The impact threatened my federal career and security clearance — the very foundation of my livelihood.

This is what survivors face: the violence transforms into **financial stalking, legal abuse, and economic control** long after physical separation.

The trauma was so severe that it affected my physical health. Stress-related medical conditions required surgical intervention. Fear impacted my ability to function. I even struggled to complete paperwork for protective orders due to trauma responses. These experiences are not uncommon among survivors; trauma lives in the body as well as the mind.

The Criminal Legal System Often Misses the Full Story

Now imagine a woman in this situation who makes a desperate decision to survive — to keep housing, protect children, or escape coercion. Without context, the legal system may view only the surface behavior, not the years of abuse and control that led to that moment.

Many incarcerated women are survivors of domestic violence, trafficking, and coercion. National research shows the majority of incarcerated women have experienced significant abuse prior to imprisonment. Yet courts often treat their actions in isolation, without considering the abuse history that shaped their circumstances.

This is not justice. This is incomplete storytelling.

Why the PATH Act Matters

The PATH Act recognizes that **trauma-informed justice improves public safety and reduces recidivism**. It allows courts to consider a survivor's history of abuse at every stage — from first appearance through sentencing and parole.

The bill does several critical things:

- Recognizes **financial abuse and coercive control** as forms of domestic violence
- Expands the types of evidence survivors can present to show patterns of abuse
- Creates alternatives to incarceration through trauma-informed diversion
- Establishes opportunities for resentencing and early release when abuse history is relevant
- Provides trauma-informed reentry support including housing, counseling, and employment assistance

This approach is not leniency. It is **evidence-based accountability**. When survivors receive healing-centered support, recidivism drops dramatically. Programs that address trauma alongside stability needs consistently show far better outcomes than punishment alone.

Healing reduces harm. Stability prevents future crime. Justice that sees the whole person protects the whole community.

A System That Heals Is a System That Protects

I now work with women who are returning home from incarceration. I see firsthand what happens when trauma is ignored — and what happens when healing is prioritized. When women receive safe housing, counseling, and economic opportunity, they rebuild their lives and strengthen their families. When trauma is left untreated, the cycle continues.

The PATH Act interrupts that cycle.

It acknowledges that survivors who enter the justice system deserve to be seen in full context — not just for a single moment in time, but for the pattern of coercion, fear, and survival that preceded it.

Maryland has the opportunity to lead in smart, trauma-informed justice reform that benefits victims, families, and communities alike.

Closing

Financial abuse is real. It is devastating. And it is domestic violence.

The PATH Act gives courts the tools to recognize that reality and respond in a way that promotes both accountability and healing.

I respectfully urge a **favorable report** on SB 0138 / HB 0084.

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

Sincerely,



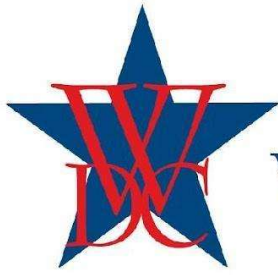
Crystal A. Combs

Vice President, Helping Ourselves To Transform (HOTT)
Financial Abuse Survivor & Advocate

HB 0084 - FAV - WDC Jan 2026 final (2).pdf

Uploaded by: Cynthia Rubenstein

Position: FAV



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**HB 0084 - Providing Alternatives Through Healing
for Justice-Involved Individuals (PATH Act)**

Judiciary Committee – February 5, 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 HB 0084. 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 HB 0084 will be minimal.

We ask for your support for HB 0084 and strongly urge a favorable Committee report.

Cynthia Rubenstein
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>

Carmen Support letter - THE PATH ACT SB0138_HB0084

Uploaded by: DaMarqus Moore

Position: FAV



FAVORABLE REPORT on THE PATH ACT HB0084

Dear Chairwoman Delegate Bartlett, Vice-Chair Delegate Davis and the Judiciary 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— 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,

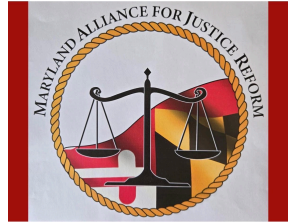
academic and community partners, organizations, legal advocates and advocates committed to improving outcomes for women, Individuals and families in Maryland through the PATH Act. Everyone has contributed research, listening sessions, and policy support. We are grateful for every survivor, expert, student, 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 HB0084**. Thank you.

Thank you for your time and consideration,

/S/Dr. Carmen Johnson

carmen@helpingourselves.org

Sponsors:



The National Center on Violence Against Women in the Black Community



OUT FOR JUSTICE



John R Lewis Reentry Reform Services



Mubhammad D. Mubhammad

House Bill 84 personal testimony.pdf

Uploaded by: Deborah Williams

Position: FAV

House Bill 84-Providing Alternatives Through Healing for Justice-Involved Individuals (PATH Act)

To the Judiciary Committee

Oral personal testimony for the February 5, 2026 hearing

Support

Thank you for this opportunity to speak to Delegate Smith and the rest of the committee **in support of HB 84**.

I am Deborah Williams, a lifelong MD resident with 46 years of experience as a CPA, a Certified Money Coach and a small business owner. I speak here today as a Financial and Tax Professional.

And I'm a mother and grandmother.

In my business practice, I serve individuals, small businesses and non-profits in accounting and taxation.

During the 2008 recession, I lost most of my assets and had debts I couldn't pay that almost bankrupted me. I was clinically depressed. During my recovery I realized I could practice accounting and tax in a more comprehensive way with better outcomes for financial success. I was, and am, reclaiming a sense of my financial potential and recovering from the recession economy. And today, I know I'm not alone in this pursuit. To know and accept your past is to find your future self and get back on your feet.

An emerging sub-field in financial management is Money Coaching. As financial professionals, we dig deeper, encourage clients to share their "money story" and discover the patterns of behavior with their parents, partners and families. Our money stories begin in early childhood and we evolve in adulthood. In our society, our self-worth is measured in financial success and if we are struggling financially, we hide and avoid getting help. Most of my client conversations are about overwhelm, frustration and shame. They fear communicating with partners or other family members. We operate from our survival brain not our mature brain. And, when addiction is involved it's that much harder.

Although I'm not a therapist, I know that discussing the behavioral side of a woman's relationship to her money opens new doors to financial health. We face the shame of our choices, see potential for growth and come up with plans, such as a budget. Strategies for financial resilience are developed. We find the harm's we went through are redemptive and give greater choice and contentment after addressing the root causes. We explore our origin stories, work through shame and are more aware every day.

I am a survivor of domestic violence. I learned by example and carried it into adulthood. My dad verbally and financially abused my mother during my entire life. I understand what women go through on a day-to-day basis to keep their families together, at great cost to their health. When you add in domestic violence, it affects everyone and destroys the fabric of family life.

Now imagine being in a life where you play by the rules and still are discriminated against. Imagine no one is listening so you endlessly live in a cycle of self-doubt caused by forces beyond your understanding, at that time. Imagine exhaustion from speaking out and no one is listening. Imagine trying to keep your children safe, living paycheck-to-paycheck and relying on your abuser to help keep the money coming in. You may have debts in your name that you didn't initiate or money you didn't receive. An abuser punishes you in to feel better about their own failings and their need for validation. It's about power, control and by extension, money. Violence is ever present and you're boxed in and scared.

Supporting HB 84 introduces the evidence of abuse for the record and allows it to be included in a woman's defense presentation or to use as a mitigating circumstance during sentencing. The Maryland justice system has an opportunity to acknowledge root causes and behavioral aspects of DV that foster a cycle of abuse, violence, family disruption and persistent financial injustice. It causes financial ruin, hopelessness and can even end in incarceration and it is known to disproportionately affect women of color.

Most importantly, women MUST be heard and validated by the system for their lived reality. This is a good step for the future of MD's women and families and their contributions to a better and safer community life.

Please send a favorable Committee report for House Bill 84. Thank you.

Maryland Catholic Conference_FAV_HB84.pdf

Uploaded by: Diane Arias

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 5, 2026

House Bill 84

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

House Judiciary 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.

House Bill 84 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 **HB 84**.

Thank you for your consideration.

²<https://www.usccb.org/news/2025/pope-urges-church-listen-sorrows-abuse-victims-walk-together>

TWO support testimonies HB0084 2-5-2026.pdf

Uploaded by: Dr. Carmen Johnson

Position: FAV

February 3, 2026

Chairman Sandy Bartlett
Vice Chair Debra Davis
The Judiciary Committee

The PATH ACT - HB0084
Hearing for 2-5-2026 at 1:00pm

Attached are 2 support letters for the PATH ACT:

1. NCNW - Greater Baltimore Section: WRITTEN TESTIMONY (only)
2. The LOHM - The Ladies of HOPE Ministries, Inc: WRITTEN TESTIMONY (only)

Thank you for accepting both testimony letters

H. Paegs

February 5, 2026

Dear Chairwoman Delegate Sandy Bartlett, Vice Chair Delegate Debra Davis, and Members of the Judiciary Committee,

Re: Bill Number HB0084 - THE PATH ACT

The Greater Baltimore Section of the National Council of Negro Women (GBS-NCNW) offers this statement to contribute perspective to ongoing public and policy conversations regarding justice, dignity, and protection for survivors, particularly African American women who experience harm at the intersection of racism and sexism:

For generations, African American women have faced systemic discrimination that marginalizes their experiences, distorts their narratives, and too often casts them as the problem rather than recognizing them as survivors. Their pain is questioned, their credibility challenged, and their needs minimized, resulting in disproportionate barriers to safety, care, and accountability. Approaches that center survivor protection, accountability, and trauma-informed responses acknowledge a long-standing reality within Black communities: survival is not a moral failure, and systems should be designed to protect the most vulnerable rather than silence them. When justice systems fail to account for coercion, abuse, and trauma, they risk compounding harm rather than advancing safety or fairness.

The mission of the National Council of Negro Women is to lead, advocate for, and empower women of African descent, their families, and communities. Grounded in social justice, civil rights, and equity, NCNW has historically supported policy frameworks and practices that seek to dismantle oppressive systems and affirm the humanity of Black women. For too many African American women, lived realities include being disbelieved, criminalized, or ignored when seeking help.

Policies and practices that prioritize protection over punishment, accountability over silence, and equity over indifference are essential to advancing safety, dignity, and trust in public systems. NCNW remains committed to elevating these principles and contributing to informed public dialogue on policies and practices that impact the lives, safety, and well-being of Black women and their communities.

Respectfully submitted,



Awanya Anglin-Brodie
President
Greater Baltimore Section
National Council of Negro Women



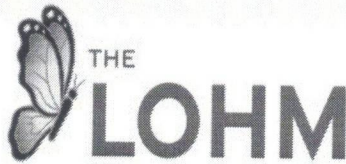
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[gbs-ncnw.com](https://www.gbs-ncnw.com)



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.

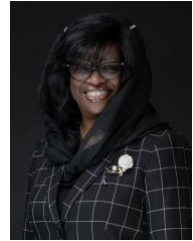
With respect and gratitude,

Dr. Topeka K. Sam
Founder & Chief Executive Officer
The Ladies of Hope Ministries, Inc.

HB0084-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, an award-winning global keynote speaker, certified domestic violence advocate, and the former spouse of the D.C. sniper. I am here because the PATH Act, HB0084, addresses a truth this system has failed to confront, especially for Black women.

Because of his threats to kill me, a judge granted me a lifetime restraining order. However, visitation with our children was still included in that order. In 2000, before the shootings, he took our children out of the country instead of returning them from a scheduled visitation. I repeatedly sought help from law enforcement and the FBI. I told authorities I was in hiding because he told me, “You have become my enemy, and as my enemy, I will kill you.” I was not taken seriously.

Instead of protection, investigators told me they wanted to put me in the middle of a parking lot and use me as a decoy to lure him out, arrest him to return our children to me. I refused. I said he would shoot me from a distance and they would not know where the bullet was coming from. Their response was: they were just trying to help me out.

During the shootings, and without my knowledge, I was placed under security. I learned later that security was removed and reassigned to someone in authority. When I asked what would have happened if he found me and killed me, I was told they would have considered my death as an oops. After his arrest, I was treated as a potential accessory.

In the D.C. sniper case, the court refused to allow evidence of domestic abuse, calling it insufficient, even though law enforcement and the prosecutor stated I was the intended target and the reason he came to this region. That ruling erased domestic abuse from the courtroom.

If Attorneys Gretta Gardener and Patricia Baker-Simon had not stepped in to help secure my own criminal defense attorney, I would have been mischaracterized as an accessory to a crime I was surviving, not committing.

This is not just my story. It is what happens when Black women are not believed, not protected, and then criminalized for surviving. The PATH Act does not excuse crime. It allows courts to consider the full truth so accountability is grounded in reality, not bias.

For these reasons, I respectfully urge a favorable vote on the PATH Act.

Respectfully Submitted,

Dr. Mildred D. Muhammad

Ujima HB0084.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: February 5, 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.

HB084_Ivey.pdf

Uploaded by: Jolene Ivey

Position: FAV



February 5, 2026

**Prince George's County Council Member At-Large Jolene Ivey
Testimony in Support of HB 84 – The PATH Act
(Providing Alternatives Through Healing)**

Chair Bartlett & esteemed members of the Judiciary Committee,

I am writing in support of HB-084. This bill represents an important step toward a fairer, trauma-informed criminal justice system, one that maintains accountability while allowing judges to consider the full context of a person's life.

Domestic violence is often directly connected to criminal behavior. For many survivors, particularly women, prolonged psychological, financial, and physical abuse is not incidental to their offenses but a significant contributing factor. Trauma, coercion, and survival responses frequently shape behavior that later becomes criminalized. HB 84 ensures courts may consider this context so sentencing decisions reflect the realities behind the offense.

The PATH Act prevents re-traumatization within the justice system. Under current law, survivors are often re-traumatized when their experiences of abuse are excluded from sentencing considerations. HB 84 provides judges clear authority to weigh domestic violence as a mitigating factor, allowing sentences that acknowledge harm already suffered rather than compounding it.

This bill strengthens judicial discretion without excusing crime. HB 84 does not eliminate accountability or guarantee reduced sentences. Instead, it gives judges the discretion to impose a sentence that is just and appropriate when domestic abuse significantly contributed to the offense, including the ability, when warranted, to depart from mandatory minimums or sentencing guidelines. Prosecutors retain the right to present rebuttal evidence, and judges remain responsible for weighing all facts.

The bill reflects how survivors actually experience abuse. Many survivors never report domestic violence to law enforcement due to fear or coercion. Limiting evidence to police reports alone would exclude credible cases. The PATH Act appropriately allows courts to consider evidence from counselors, advocates, family members, and others who can provide a fuller and more accurate picture of abuse.

HB 84 allows for limited retroactive review. The bill permits eligible incarcerated individuals to seek resentencing when domestic violence was not fully considered at the time of their original sentence. This narrow provision recognizes that many survivors



Jolene Ivey
Chair
At-Large Council Member

"Serving the People of Prince George's County!"

were sentenced without their experiences being acknowledged, while maintaining judicial oversight and prosecutorial participation.

The PATH Act promotes individualized justice, reduces re-traumatization, and aligns Maryland with other states that have adopted trauma-informed sentencing reforms. It balances accountability with fairness and supports a justice system that better understands the root causes of criminal behavior.

I respectfully ask you to support HB 84.

Thank you

Jolene Ivey
Council Member, At-Large
Prince George's County Council

Testimony- Support- HB 84- The Path Act - UULM-MD-

Uploaded by: Karen Clark

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of HB 84- Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act)

To: Delegate Sandy Bartlett, Chair and the Members of the Judiciary Committee
From: Karen “Candy” Clark, Lead Advocate Criminal Justice Reform
Unitarian Universalist Legislative Ministry-Maryland
Date: February 5, 2026

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 **HB 84 - 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 **HB - 84** .

Thank you,

Karen "Candy" Clark

Criminal Justice Reform Lead Advocate

HB084 Testimony 2026.pdf

Uploaded by: Ken Phelps Jr

Position: FAV



TESTIMONY - FAVORABLE

HB084 Criminal Procedure - Sentencing - Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act)

TO: Honorable Delegate J. Sandy Bartlett, Chair, Delegate Debra Davis, Vice Chair, and Members of the Judiciary Committee

FROM: Rev. Linda K. Boyd, member of the Maryland Episcopal Public Policy Network (MEPPN)

DATE: February 5, 2026

The Maryland Episcopal Public Policy Network supports HB084. Individuals with histories of domestic violence and abuse are often unable to introduce mitigation evidence during plea negotiations, trial, or at sentencing. The PATH Act is a groundbreaking piece of legislation designed to transform Maryland's criminal justice response to survivors of domestic violence – particularly those whose offense is directly linked to abuse, coercion and trauma. This bill establishes that domestic violence may be considered 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.

All too often survivors of domestic violence are arrested, prosecuted, and punished for coerced criminal acts or for acting in self-defense. Sentencing reform for criminalized survivors is growing in several jurisdictions, by passing legislation designed to allow survivors of domestic violence to receive shorter sentences for offenses entwined with their victimization.

For these reasons, we ask the House Judiciary Committee to issue a favorable report on HB 084.

The Maryland Episcopal Public Policy Network (MEPPN) is a ministry of The Episcopal Diocese of Maryland, The Episcopal Diocese of Washington, and The Delaware-Maryland Synod ELCA

PATHActHouse.DRAFT.1.23.26.pdf

Uploaded by: Lydia Watts

Position: FAV

BILL NO: House Bill 84
TITLE: Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act
COMMITTEE: Judiciary
HEARING DATE: February 5 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 Judiciary Committee to issue a favorable report on HB 84.**

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 HB 84.**

HB0084.docx.pdf

Uploaded by: Melody Hession

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America

Testimony Prepared for the
Judiciary Committee
on
House Bill 0084
February 3, 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, and for none of these Lutherans was their harm a meaningful part of the conversation 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 survivor of sexual assault in the context of the crime for which she was convicted, 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 survivor. 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

Nasyr - testimony - HB0084 .pdf

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 Delegate Smith and the House of Delegates,

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 **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 **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 Delegate Stephanie Smith for serving as a champion of this very important legislation.

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

Sincerely,

Nasyr Mathis-Chambers

O. Moyd PATH Act MAJR Testimony.pdf HB 84.pdf

Uploaded by: Olinda Moyd, Esquire

Position: FAV



February 5, 2026

House – Judiciary

**Testimony in Support of HB 84 – 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 protection when their abuse contributed to their involvement in criminal activity. 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.¹

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.

HB 84 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 HB 84.

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

¹ Complex PTSD in survivors of intimate partner violence: risk factors related to symptoms and diagnoses; European Journal of Psychotraumatology, 2021, Vol 12, 2003616.

HB 84, Marian House, FAV Testimony.pdf

Uploaded by: Psalms Rojas

Position: FAV



MARIAN HOUSE

Women Moving from Dependence to Independence

TESTIMONY IN SUPPORT OF HB 84

February 3, 2026

Marian House strongly supports HB 84, which will permit the introduction of evidence of domestic violence before the court, on behalf of a defendant, stating that domestic violence was a significant contributing factor in the defendant's crime. If this bill is enacted, it will allow the court to render a sentence that is less than the mandatory minimum sentence required by law, below sentencing guidelines, or that is just and appropriate in light of the victims' circumstances, should they find that domestic violence was a major contributing factor in their crime.

Marian House is a holistic community that provides women and their children with housing and comprehensive, wrap-around support services. The majority of the women at Marian House were previously displaced and in antagonistic, unstable environments as a result of domestic violence. Marian House provides a safe, sober, and loving environment that challenges women to respect and love themselves, confront emotional and socioeconomic barriers, and transition to stable and independent lives.

Through HB 84, Maryland's legal system takes an evidence-based step toward recognizing the impact of trauma on criminal conduct and avoiding the further penalization of victims. By allowing courts to acknowledge and consider the abuse and trauma that contributed to an offense, the bill provides more meaningful support to justice-involved victims. HB 84 recognizes the profound challenges these individuals have faced and may continue to endure, elevating their experiences in contrast to current law, which too often leaves victims feeling diminished, defeated, and unsupported.

The psychological effects of domestic violence weigh heavily on victims. Victims of domestic violence often have increased levels of depression, anxiety, and post-traumatic stress disorder (PTSD). These mental fatigues significantly impair a victim's ability to think clearly, regulate emotions, and make safe and/or rational decisions¹. It is crucial that these factors are taken into consideration during sentencing, as they hold such a large influence on the victim during the time of their crime.

The current carceral system hosts a population that is disproportionately more likely to have been a victim of domestic violence.² Acknowledging this reality, Maryland has an opportunity to meaningfully support victims by promoting sentencing that accounts for the extenuating circumstances and pressures they faced. This reform would transform the legal experience for justice-involved victims by affirming that individuals should not be further punished for the abuse they have endured and assist in breaking the cycle of domestic violence.

Marian House is eager to support the PATH Act. For over forty-three years, Marian House has been serving women reentering the community from Maryland's carceral system, many of whom spent years or decades incarcerated for offenses committed under coercion by an abuser or in self-defense. HB 84 represents a critical step toward justice, helping to dismantle the barriers that too often punish victims for the abuse they endured and creating a path toward healing, safety, and empowerment.

Thank you for your consideration,

Rebecca L. Perry

Interim Chief Executive Officer / Chief Operating Officer

RLP/np

¹ Lausi, G., Burrai, J., Baldi, M., Ferlazzo, F., Ferracuti, S., Giannini, A. M., & Barchielli, B. (2023). Decision-Making and Abuse, What Relationship in Victims of Violence? *International Journal of Environmental Research and Public Health*, 20(10), 5879. <https://doi.org/10.3390/ijerph20105879>

² Morgan, R. E., & Kena, G. (2018). *Criminal Victimization, 2016: Revised* (NCJ 252121). Bureau of Justice Statistics, U.S. Department of Justice. https://bjs.ojp.gov/content/pub/pdf/cv16_old.pdf

Testimony in support of HB0084 - Criminal Procedur

Uploaded by: Richard KAP Kaplowitz

Position: FAV

HB0084_RichardKaplowitz_FAV
02/05/2026

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON HB#/0084- POSITION: FAVORABLE

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

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary 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 HB#/0084, **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 HB#/0084.

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

Testimony SB1 .pdf

Uploaded by: Sackiella Sackie

Position: FAV

Testimony SB0138 / HB0084

The Path Act

Sackiella Sackie

240-604-6789 | Sackiella@helpingourselves.org

Good afternoon, Chair Delegate. Sandy Bartlett, Vice Chair Delegate Debra M. Davis, and members of the 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

FAVORABLE REPORT on THE PATH ACT SB0138_HB0084 (1)

Uploaded by: Sonja Owens

Position: FAV

FAVORABLE REPORT on THE PATH ACT HB0084

Dear Chair Delegate J. Sandy Bartlett and Vice Chair Delegate Debra M. Davis 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

Del. Smith HB84 Testimony.pdf

Uploaded by: Stephanie Smith

Position: FAV

STEPHANIE SMITH
Legislative District 45
Baltimore City

HOUSE PARLIAMENTARIAN

Appropriations Committee

Subcommittees

Capital Budget

Chair, Education and Economic
Development

Oversight Committee on Personnel

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

HB0084-Criminal Procedure- Sentencing- Domestic Violence as Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act

Hearing: February 5, 2026, 1:00pm

Chair Sandy Bartlett, Vice Chair Debra Davis

Judiciary Committee

HB0084 is about ensuring that our courts are permitted to consider the full context of a person's lived experience when imposing a sentence. Specifically, the toll that domestic abuse can take on an individual's behavior and decision making.

It is commonly acknowledged that domestic abuse is not limited to physical harm. It often includes coercion, psychological manipulation, financial control, and sustained trauma that can profoundly affect an individual's actions over time. Judges regularly hear evidence related to abuse throughout the course of a case, yet current law does not clearly authorize courts to weigh trauma as a mitigating factor at sentencing. HB 84 addressed that gap.

HB 84 does not excuse criminal conduct, nor does it mandate a particular outcome. Instead, it gives judges the discretion to consider credible evidence of domestic abuse alongside all other relevant factors, allowing for sentences that are fair, individualized, and proportional.

****Of note, amendments have been introduced to remove sextortion and sex trafficking as offenses eligible for relief.**** These crimes involve severe exploitation and victimization, and excluding them ensures that HB 84 remains narrowly focused on its core purpose of addressing the impact of domestic abuse without undermining accountability.

By permitting courts to consider the realities of domestic abuse at sentencing, we acknowledge the complexity of these cases while preserving judicial discretion and public safety.

For these reasons, I respectfully request a favorable report for HB 84

A handwritten signature in black ink that reads "Stephanie M. Smith".

Delegate Stephanie Smith

SB138 HB 84 OPD favorable.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: House Bill 84, Criminal Procedure- Sentencing- Domestic Violence as a Mitigating
Factor PATH Act**

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 2/3/26

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 84 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, House Bill 84 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 House Bill 84 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.

2026_02_04 HB 84 - Domestic Violence as a Mitigati

Uploaded by: Tiffany Clark

Position: FWA

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

SHARON S. MERRIWEATHER
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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)

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.¹ 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

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.

HB 84 - 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
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DATE: February 3, 2026

BILL NUMBER: HB 84

POSITION: Informational

The Maryland State's Attorneys' Association (MSAA) offers the following information related to House Bill 84 —Criminal Procedure—Sentencing—Domestic Violence as a Mitigating Factor (Providing Alternatives Through Healing for Justice-Involved Individuals (PATH) Act).

House Bill 84 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, House Bill 84 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.

Sentencing - PATH Act - testimony - 2026 - MCASA

Uploaded by: Lisae C Jordan

Position: INFO



Working to end sexual violence in Maryland

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Information Regarding House Bill 84
Lisae C. Jordan, Executive Director & Counsel
February 5, 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.

86 percent of women who have spent time in jail report that they had been sexually assaulted at some point in their lives. (*Overlooked: Women and Jails in an Era of Reform*, Vera Institute, 2016) Sexual violence is so pronounced among jailed and incarcerated women that Sen. Cory Booker, (D-NJ,) has labeled the overarching phenomenon as "a survivor-of-sexual-trauma to prisoner pipeline."

House Bill 84 seeks to address the experience of victims of (primarily) family 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 strongly 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 HB84. 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. We note that additional issues have come to light since the Senate hearing and there may be others not identified here.

As an initial matter, MCASA notes that many incarcerated people are survivors of sexual assault by someone other than an intimate partner or other person enumerated by HB84 and MCASA urges that all survivors of sexual violence have access to the relief contemplated by this bill. Of the most importance to MCASA, however, is the timing of the proposed mitigation. If a person has committed a crime and 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 some 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.

There are also technical concerns with the language of the bill. It is both over-inclusive and under-inclusive. MCASA strongly objects 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. For example, this would permit mitigation of someone who was convicted of trafficking an eight year old. MCASA does not believe this is sound policy.

On the other hand, the bill does not include many crimes that victims may be convicted of and may be very intertwined with intimate partner violence, notably assault in the 2d degree. As noted by the Maryland State Attorneys’ Association, evidence of abuse may already be considered by the court during sentencing. Codifying that the court may consider this evidence in sentencing for a list of crimes may have the unintended consequence of suggesting to the court that it may not consider this evidence when sentencing for crimes that are not listed.

In speaking with other advocates, the PATH Act as enacted in other states, such as New York, <https://legislation.nysenate.gov/pdf/bills/2019/S1077>, have been cited as a model. A brief review of the NY statute, however, shows some very important differences. The NY statute *requires* the court to hear evidence of domestic violence, while the bill proposed in Maryland *permits* it (HB84, page 4, line 6). The New York law also creates very clear direction to courts regarding sentence reduction. The Maryland law does not include this.

There are aspects of this legislation that MCASA believes are strong and we absolutely support the goals and value the bill reflects. We remain very concerned that the current language will not meet the important goals it intends to address.

hb84.pdf

Uploaded by: Will Vormelker

Position: INFO

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

HON. RICHARD SANDY
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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