

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



January 27, 2026

Senate – Judicial Proceedings Committee

Testimony in Support of SB 138 – 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 protections when their abuse culminated with a criminal act. 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.²

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.

SB 138 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 SB 138.

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² Complex PTSD in survivors of intimate partner violence: risk factors related to symptoms and diagnoses; European Journal of Psychotraumatology, 2021, Vol 12, 2003616.