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MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Senate Judicial Proceedings Committee

Senate Bill 653 - Probation Before Judgment - Facts Justifying a Finding of Guilt and Suspension of Sentence

Senate Bill 653 aims to fix a technicality in our state law that creates an unintended consequence at the federal level. Under current law, a plea acceptance of a probation before judgment (PBJ) in Maryland may trigger the deportation of legal permanent residents or undocumented immigrants, even though a PBJ is not a finding of guilt. We must correct this undesirable consequence and protect people from harmful effects that a technicality in law has created.

In no way does this bill subvert justice or punishment. Judges may impose any punishment, just as before the effective date of the bill. Only in cases where State's Attorneys, defense counsel, and judges agreed that a PBJ is an available option could the immigrant defendant plea. A PBJ is supposed to be used to create efficiency in our judicial process, but the use of this tool in cases involving immigrants is currently unethical and unusable because no documented nor undocumented immigrant would take a PBJ knowing that it would put them at risk of deportation. And I remind anyone that might want to sensationalize the impact of this bill, that the relevant crimes would be limited and apply to almost exclusively to first-time violators.

For these reasons, I respectfully request a favorable report on SB 653.