

February 2, 2022

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TESTIMONY ON SB265 - POSITION: FAVORABLE

Probation Before Judgment – Probation Agreements – Probation Not Deportation

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Joanna Silver, on behalf of Jews United for Justice (JUFJ)

My name is Joanna Silver. I am a resident of Silver Spring, in District 18. I am submitting this testimony on behalf of Jews United for Justice in support of SB265, Probation Before Judgment – Probation Agreements – Probation Not Deportation. JUFJ organizes 6,000 Jews and allies from across Maryland in support of local social, racial, and economic justice campaigns.

One of the core concepts of Judaism, which we return to each year during the High Holidays, is that all people can and must engage in Teshuvah, or repentance. Through Teshuvah, Judaism recognizes that all people are capable of recognizing mistakes they've made, returning to make those mistakes right, and through that repentance, earning a second chance.

The Maryland General Assembly recognized the importance of second chances when it created a way for people to avoid the harsh consequences of a criminal conviction through a probation before judgment; an opportunity to meet certain conditions imposed by the court in exchange for the chance to start again, without a conviction on your record.

Unfortunately, noncitizens in Maryland do not get the full benefit of this second chance. Because of the way Maryland structures its probation before judgment (PBJ) disposition, a PBJ in Maryland is still considered a conviction under immigration law. Thus, one of the most significant collateral consequences of a criminal conviction - deportation - still threatens Maryland's non-citizens, even if they've complied with all of the conditions set by the court, even if they've otherwise earned their second chance.

SB265 extends the benefit of probation before judgment to noncitizens, by amending Maryland's PBJ statute. The amendment would add a new option to the current PBJ procedure so that, if the parties and the court agree, the judge can make a finding of facts sufficient to warrant guilt and impose probation and any other conditions on the noncitizen, as happens now with citizens. This minor change would bring Maryland in line with states like Virginia and New York,

which have similar statutes. More importantly, it is consistent with steps the General Assembly has previously taken to recognize that citizenship status should not prevent people in Maryland from contributing to their fullest potential; it recognizes that our state has a stake in keeping immigrant families intact and thriving.

As a former practitioner in Maryland's criminal courts, I also know that having this option available can benefit not only defendants, but also the state and any victims, as well as further the interest of judicial efficiency. Having an additional way to resolve a criminal charge and allow a defendant to make amends and engage in rehabilitation benefits everyone.

Second chances for everyone, regardless of citizenship status, benefit all of us. On behalf of Jews United for Justice, I urge a favorable report on SB265.