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TO: Senator William C. Smith, Jr., Chairman  
Senator Jeff Waldstreicher, Vice Chairman  
Judicial Proceedings Committee Members

FROM: Maryland Legislative Asian American & Pacific Islander (AAPI) Caucus

DATE: February 2, 2022

RE: SB265 Probation Before Judgment – Probation Agreements – Probation  
Not Deportation

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**The AAPI Caucus strongly supports SB265 – Probation Before Judgment –  
Probation Agreements – Probation Not Deportation.**

This legislation is paramount to ensuring Marylanders truly have equal justice under law because current probation before judgment (PBJ) pleas have a pernicious collateral consequence that can lead to deportation under Maryland law. Fortunately, to combat this injustice, we only have to change a technical aspect of Maryland's law that declares someone guilty under federal law if they accept the plea. The law does not provide equal justice because anyone who is not a citizen, even if they are lawfully present in the county, could be banished for a non-violent offense that would lead a citizen to minor inconveniences. SB 265 finds a solution to this problem.

This bill requires judicial consent, and we understand the sponsor is willing to accept amendments from MSAA. This can be a true consensus. There are examples in other states where they have solved this problem without federal complaints. There is no need to wait for a federal fix as we can solve it here in this legislative session in Annapolis.

A PBJ for a first-time non-violent offense should not create adverse childhood experiences for children who lose a mother or father. Families are being separated for minor crimes, where someone might have a moment where they have a serious judgment lapse, like anyone of us can have. We do not punish extended families for these offenses. That is why we offer pleas, for judicial efficiency, justice and common sense. Taking someone out of a cage to only put them outside of the fence where their family is does not serve justice. Supporting SB 265 supports justice.

This is a simple fix that aligns Maryland with other states such as Virginia, New York, and Pennsylvania. This is the humane and just policy for Maryland. For these reasons, we request a favorable vote on SB265, as amended to gain the support of the prosecutors who know how

urgent this clarification is needed for their offices to better serve justice. Equal justice, under law.