



VICTIM SERVICES ADVISORY BOARD

February 2, 2022

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Support - SB265 - Probation Before Judgment - Probation Agreements - Probation Not Deportation

Dear Chairman Smith:

Senate Bill 265 authorizes a court to stay the entering of judgment, defer further proceedings, and place a certain defendant on probation subject to reasonable conditions if the court finds facts justifying a finding of guilt. This bill changes the process by which a Probation Before Judgment (PBJ) is entered. Under current law, a PBJ is not considered a conviction under state law, but is considered a conviction under federal law. Senate Bill 265 eliminates the need to first determine guilt or a defendant's acceptance of a nolo contendere plea before a PBJ is entered. Lack of a conviction applies the law equally to both citizens and non-citizens, and eliminates the fear of deportation for non-citizens.

The Montgomery County Victim Services Advisory Board (VSAB) advises the County Council and County Executive on assisting with the needs of victims of crimes including domestic violence, sexual assault, rape and human trafficking. The number of sexual assault and domestic violence cases referred to the Montgomery County HHS Victim Assistance and Sexual Assault Program and the Abused Persons Program increased substantially in one year when comparing 2019 and 2020 intake data, and has continued to increase during the pandemic. The severity of cases has also become more critical, with increases in homicides, domestic violence, sexual violence, and more reports of strangulations. At the start of the pandemic, the Montgomery County Police also reported concerns with an increase in violence when investigating domestic violence calls as victims were forced to shelter in place with their perpetrator. (<https://wtop.com/montgomery-county>, Oct. 16, 2020)

Fear that a spouse or intimate partner will be deported is a powerful motive to remain silent about domestic violence. Victims often depend on a partner for financial support, co-parenting, housing, health care benefits and transportation. Eliminating deportation as an obstacle will likely result in more victims coming forward to seek help for themselves and their partners. Domestic violence cases where a PBJ may be appropriate can include first-time offenses, those where no injury occurred or no weapon was used, or offenses where a protective order was violated with no injury.

VSAB asks the committee to issue a favorable report on Senate Bill 265.

Sincerely,

Kathryn Pontzer
VSAB Co-chair

Department of Health and Human Services