



**SB265 – SUPPORT**

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**Probation Before Judgment – Probation Agreements – Probation Not Deportation**

Senate Judicial Proceedings Committee

February 2, 2022

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

My name is Laura Atwood. I have lived in Maryland since 1999, and I represent Takoma Park Mobilization, an advocacy organization with a following of over 2500 people, active in environmental, justice, economic, and electoral matters. We are in SUPPORT of SB265.

One of our organization's core values is to recognize and act on the fundamental humanity of our neighbors and community members.

And if we all look inward honestly, how many of us can say we and our loved ones have lived 100% perfect lives? Versus: How many have made (hopefully minor) mistakes, genuinely learned from them and made appropriate amends, and gotten to move forward?

The PBJ system in Maryland is fundamentally constructive for individuals and pragmatic for the judicial system. SB265 would correct a technicality that too often lets it be used against its intended spirit. As it stands, a Maryland judge has the discretion to decide whether a person should be allowed to take accountability for the offense (generally first-time, nonviolent) and fulfill any range of probation and other requirements, then move forward without a conviction that could lead to disproportionate consequences, e.g., for education, housing, or employment.

Yet severe consequences can still fall on Maryland residents who are not citizens (this includes green card holders and other longtime residents with strong community and family ties): Because of how the PBJ statute is written, PBJ counts as a conviction in federal law, and this person can be deported. As we know well, deportation is too often family separation or even a death sentence.

Please continue working toward constructive justice for Maryland residents, honor the spirit of the PBJ statute as originally passed by the Maryland state legislature, and amend this statute.

**Takoma Park Mobilization urges a favorable report on SB265.**