



SB 265 - SUPPORT

John Payne - Liaison

Sanctuary DMV

john.howard.payne@gmail.com 202-907-5794

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Probation Before Judgment – Probation Agreements – Probation Not Deportation

Senate Judicial Proceedings Committee

February 2, 2022

Dear Chair Smith and members of the Judicial Proceedings Committee,

My name is John Payne and I am a core organizer with Sanctuary DMV, which works with immigrants and immigrant communities throughout Maryland, Virginia, and DC, and I am here today to express our support on behalf for SB 265. Sanctuary DMV is an entirely volunteer organization dedicated to helping immigrants and immigrant communities build power, standing with individuals and their families during immigration proceedings, and advocating for legislation that will ensure immigrants are treated justly and with the respect they deserve.

Sanctuary DMV believes that all people residing in this country should receive equal and just treatment and that our immigrant neighbors deserve to be part of a fair justice system that does not discriminate against them or put them in danger from being separated from their friends and family. Unfortunately, we have seen over and over again that our current legal system puts unnecessary burdens on our immigrant neighbors. No one should ever face either detention or deportation due to a civil immigration defense. True equality under the law means all people, including non-citizens, should have access to the same legal system. But the current system is especially harmful to non-citizens as a conviction of simple civil offense can lead to being torn away from their family and community.

Probation Before Judgment, or PBJ, is a perfect example of this problem. If the Maryland criminal justice system determines that an offense committed by a non-citizen is not serious enough to warrant a formal criminal conviction carrying potential jail time, then the non-citizen should be released back into the community on probation just like a U.S. citizen would be. But this is not what happens. Instead, both undocumented individuals and green-card holders who receive PBJ in Maryland are still considered to have a conviction for federal immigration purposes. This sentence often results in the individual being taken into detention and then deported, despite the fact that a judge has determined that their offense warranted only probation. This is a shameful process within our judicial system that is neither just or fair but is most certainly cruel.

Thankfully, it will only take a small change to Maryland law to eliminate this specific disparity. SB 265 will make it possible for our non-citizen neighbors to use PBJ without the fear of detention or deportation by making sure that any conviction from PBJ would not be a conviction under both Maryland or federal immigration law. Not only will this simple change relieve a burden on our non-citizen neighbors, but it will create a more fair and just Maryland that is one step closer to true equality under a law that ensures everyone their rights and dignity.

Sanctuary DMV urges a favorable report on SB 265.