

Senate Bill 265
Probation Before Judgment – Probation Agreements – Probation Not Deportation

Judicial Proceedings Committee
February 2, 2022

Favorable

Catholic Charities of Baltimore strongly supports SB 265 which would amend the Probation Before Judgment procedure so that all Maryland residents, regardless of immigration status, have the same access to the benefit of probation before judgment (“PBJ”).

Inspired by the Gospel mandates to love, serve and teach, Catholic Charities provides care and services to improve the lives of Marylanders in need. As the largest human service provider in Maryland working with tens of thousands of youth, individuals, and families each year, we recognize the inherent dignity within all including our immigrant neighbors.

SB 265 will help prevent unnecessary detention and deportation of people over minor criminal contacts.

As intended, PBJ offers individuals the ability to accept responsibility for their actions for minor offenses, while avoiding the life-altering, adverse consequences of a guilty finding. In order to receive PBJ, a person must first admit guilt, and the judge must make a finding of guilt. Under the current procedure, after a judge strikes the guilty finding, a U.S. citizen who has a PBJ can, in most all aspects of their life, indicate that they have never been “convicted” of any crime. For a noncitizen, however, despite that it might have been technically stricken from the criminal court case, a finding of guilt will continue to be considered a “conviction” for immigration purposes. This results in a stark consequential contrast where non-citizens can face deportation from the U.S. for receiving the same PBJ for which a U.S. citizen would have minimal impact.

Adopting the proposed amendments to the PBJ procedure, which include removing the necessity for an admission of guilt and a guilty finding will ensure that individuals can still receive PBJs that will not trigger adverse immigration consequences. A PBJ would then no longer be considered a conviction under Maryland law or federal immigration law. There is no risk to the public safety, as this change does not impact the state’s ability to punish a person who might violate probation. The state would retain the ability to issue a judgement against, and sentence, an individual who has violated probation.

We urge the legislature to pass SB 265. Adding this language to the Maryland Probation Before Judgment statute would help ensure equality and fair administration of the law for all Maryland residents. **On behalf of the individuals and families we work with, Catholic Charities of Baltimore appreciates your consideration of our views, and urges the committee to issue a favorable report for SB 265.**

Submitted By: Regan K. Vaughan, Director of Advocacy