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February 15, 2022

Testimony in **Support with Amendment** of

**HB 559 – Probation Before Judgment – Probation Agreements – Probation Not
Deportation**

Dear Chairman Clippinger and Members of the Committee:

I am writing to show my support with a friendly amendment for House Bill 559 on behalf of State's Attorney Aisha Braveboy. We would urge a favorable report with consideration for that amendment.

As a Prosecutor in the Special Victims & Family Violence Unit in the State's Attorney's Office for Prince George's County, I am very familiar with various trial outcomes—a probation before judgment being one of them. For many, the current Probation Before Judgment statute has guaranteed a just result for victims while ensuring that criminal defendants remain employed, out of jail, and able to get necessary treatment without adverse effects. However, this just result is often not available for non-US citizens, as the current statute requires an admission and finding of guilt which Federal law deems a conviction and potentially leads to deportation. This new bill would allow the Court to put a defendant on probation without a finding of guilt given they comply with recommended services.

My office supports this legislation's goal in expanding access to equal justice for all under the law, regardless of place of birth. We support with amendment because of our concern regarding individuals who are receiving a Probation Before Judgment for crimes that are considered "domestically related," which limits the ability of these offenders to own and possess firearms in the future, which we do feel is an important public safety consideration. The proposed friendly amendment satisfies that concern.

Unfortunately, there has been a longstanding history in Maryland that does not afford many of our residents that opportunity to become whole without the threat of deportation. HB559 corrects this injustice and extends protections under Maryland law to all defendants, regardless of where they were born. Passage of this bill provides equal access to justice by eliminating unintended immigration consequences from contacts with the criminal justice system and continue to keep Maryland communities and families intact.

This change will allow State's Attorneys like myself an option they currently do not have which is to hold someone accountable for their actions, knowing that the disposition- regardless of the person's immigration status and the nature of the charge- will not trigger detention/deportation. Currently the only disposition that is always "safe" or immigration friendly is a stet- and that is not always appropriate remedy because it does not make the individual accountable to the court. This new PBJ is a disposition that will allow the State to hold defendants accountable AND ensure they are not placed in federal proceedings.

For the foregoing reasons, I respectfully urge a favorable report on HB559 with the proposed amendment.