

HB 193

Unfavorable

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Judiciary Committee

Members of the House Judiciary Committee

Thank you for this opportunity to testify on HB 193, "Probation Before Judgment - Probation Agreements." The purpose of this law is to prevent the deportation of illegal aliens who commit crimes. In fact, when this bill came up last year, HB 599, the author included in the title "Probation not Deportation."

This bill would change the Probation Before Judgment (PBJ) laws only for illegal aliens. Normally, offenders who use PBJ laws still have to admit guilt. But with HB 193, illegal aliens would go on probation without ever admitting guilt to a crime. Under federal law, PBJ is grounds for the deportation of illegal aliens. But if they do not have to admit guilt, they don't get deported. As Senator Michael Hough explained last year regarding HB 599, this bill would be unconstitutional: "Constitutionally, you can't say, 'Well you committed a crime but we're going to pretend it's not a guilty.' And that's what they're trying to do. They're trying to create a new fiction in the law where you committed a crime, you were found guilty, you were basically put on probation, and they're then going to pretend it didn't happen so you don't get deported."

An illegal alien in such a case has already violated the laws of the United States by entering the country illegally. Then, the illegal alien committed a crime in Maryland. How many crimes do we allow illegal aliens to commit before deportation is deemed inappropriate?

When do we enforce the laws of our country? Where is the commitment to the safety of American citizens and legal immigrants?

Please give HB 193 an **unfavorable** report.