

TESTIMONY IN SUPPORT OF SENATE BILL 0211

PROBATION BEFORE JUDGEMENT – PROBATION AGREEMENTS

Dear Senators West and Smith and Members of the Committee,

Thank you for the opportunity to comment on Senate Bill 0211, Probation Before Judgement- Probation Agreements. I am a Facilitator for the Immigration Action Team of Indivisible of HoCo and I am a member of the Executive Committee of the Howard County Coalition for Immigrant Justice; I am an immigrant, a veteran and a retired attorney. I support passage of SB0211.

SB0211 strikes a careful balance between the interests of a defendant and of society at large vs the need for sufficient punishment to deter crime. In particular, our penal system is overcrowded and needs relief; moreover, a guilty verdict, if entered as such in the record, would often have secondary traumatic consequences, to include hardship in subsequent employment or deportation of migrants, breaking apart families.

The Bill does not provide unearned panacea for a defendant. It allows a judge discretion to reach and enforce an agreement with the defendant, whereby the defendant may be required to pay a monetary fine, penalty and/or make restitution; participate in a rehabilitation program; potentially fulfill a term of imprisonment; and waive rights to a trial and to appeal the agreement. If the defendant violates the probation agreement, the court may sentence the defendant.

Accordingly, SB0211 appears balanced in supporting relief for defendant and society, but allows consequences for a defendant that fails to keep his/her duties under the agreement. Please pass this bill.

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