



Indivisible: Central Maryland

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TESTIMONY FOR SB0211 after Crossover Probation Before Judgment – Probation Agreements

Bill Sponsor: Delegate Moon

Senate Committee: Judiciary; House Committee after crossover: HGO

Organization Submitting: Indivisible Central Maryland

Person Submitting: Liz Enagonio, Lead Advocate

Position: FAVORABLE

My name is Liz Enagonio, representing both myself and Indivisible Central Maryland, a grassroots organization of constituents dedicated to protecting progressive and democratic values. Indivisible Central Maryland **strongly supports SB0211.**

The goal of this legislation is to protect our immigrant community from deportation for small offenses that would currently be a catalyst for deportation proceedings. Minor, first time infractions, such as speeding or failure to have their taillights working, can place a sentence on an immigrant's record, which can trigger deportation proceedings, despite the fact that a judge has determined that their offense warranted only probation. We believe that our immigrant neighbors deserve to be part of a fair justice system that does not put them in danger from being separated from their friends and family. No one should ever face either detention or deportation due to a minor civil offense. The non-citizen should be released back into the community on probation just as a U.S. citizen would be. But this is not what happens. Instead, both undocumented individuals and green-card holders who receive Probation Before Judgment in Maryland are considered to have a conviction for federal immigration purposes.

Under current law, a person must plead guilty to obtain a probation before judgement verdict and the judge makes a finding of 'guilt'. Because of the admission of guilt, a probation before judgement is treated as a conviction under federal law, although that is not what Maryland law intended.

This bill would bring the Maryland probation before judgement law in line with the original legislative intent and allow the person to plead nolo contendere to the facts of the case, which would not leave a sentence on their record, as long as they do not violate their probation. Indivisible Central Maryland SUPPORTS SB0211. Thank you.