



# MARYLAND FEDERATION *of* Republican Women

The Honorable William C. Smith, Jr.  
Chairman and Members of the Senate  
Judicial Proceedings Committee

Re: SB 653 – Criminal Procedure “Facts Justifying a finding of Guilt and Suspension of Sentence” – MFRW – Opposed

The Maryland Federation of Republican Women oppose SB 653 – Criminal Procedure – “Facts Justifying a finding of Guilt and Suspension of Sentence”. The justification for this bill is unclear from reading the text of the bill. After reading the fiscal/policy note it appears that the reason for this bill is to allow illegal immigrants who commit a criminal offense to not be declared as “guilty” and receive a “Suspension of Sentence” without any conditions or requirements as provided currently under suspending a sentence under a Probation before Judgement (PBJ). Under a PBJ a defendant who violates any conditions of probation can be fined or incarcerated in line with the penalty for the crime committed.

How can you suspend a sentence if the person is not found guilty even though a “court finds facts justifying a finding of guilt”? If they are not guilty can you impose any sentence?

It appears that the purpose of this bill is to allow an illegal immigrant who has committed a crime to be protected from deportation by allowing the individual to avoid being judged guilty of a crime and receive no conditions for suspension of sentence. Therefore, the action of the court is unreportable to Federal Immigration or the Justice Department. So, if you are a citizen you could be required to perform some form of reparation, pay a monetary penalty or enter a rehabilitation program and be subject to penalties if you violate these conditions of PBJ, but if you are illegal you just go free and there is no penalty. The court (the arbitrator of the law) participates in a deception to avoid Federal penalties for illegally entering our country and then committing a crime while here.

The current law of Probation before Judgement provides the opportunity for someone who has committed an offense to redeem themselves. This legislation is unnecessary and a affront to respect for our nation as a “country of laws”. Please give SB 653 an Unfavorable Report.

Sincerely,

Ella Ennis  
Legislative Chairman  
Maryland Federation of Republican Women