



SB 527/HB 354 – SUPPORT

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Criminal Procedure - Probation Before Judgment - Facts Justifying a Finding of Guilt and Suspension of Sentence

Senate Judicial Proceedings Committee/House Judiciary Committee
February 23, 2021

Dear Chair Clippinger and Members of the Judiciary Committee:

I was born and raised in Baltimore City and am now a practicing public health family physician living in Potomac MD. I am the co-chair of the Maryland Chapter of Doctors for Camp Closure.

The Maryland Chapter of Doctors for Camp Closure strongly supports SB 527/HB 354 and urges this committee to report favorably on this legislation. We are part of the national Doctors for Camp Closure organization which is a non-partisan organization of over 2,200 physicians and health care professionals from all specialties who oppose inhumane detention of migrants and refugees who are attempting to enter the United States of America.

Currently, if a judge believes a charge warrants it, and the prosecution and defense agree, the judge can impose Probation Before Judgment (PBJ) and if the defendant completes the term imposed without problems, there is no conviction on their record. Unfortunately, under federal law this is still considered a conviction and thus for non-citizens (including green card holders), it can result in issues ranging from citizenship denial, to detention by ICE and even deportation, all related to what the justice system saw as a minor offense.

Meanwhile, non-citizens are often led to believe (sometimes by attorneys ignorant of how federal law views a PBJ) that a PBJ will not have any major consequences if they successfully complete the probation period. However, actually under federal law a non-citizen would face dire consequences, including deportation. (Another minor offense that can be appropriate for a PBJ is driving without a license. Until SB 234/HB 23 gets enacted, ICE will continue use of MVA data to target undocumented immigrants for detention and deportation which currently discourages those immigrants from getting licenses.)

Because of this inequity, attorneys who do understand the potential consequences advise clients to take the risk of a full trial, rather than rely on a PBJ. In addition to the added risks and costs for these non-citizens, this burdens the Maryland courts and prosecutors with unnecessary trials for offenses that could otherwise be assigned a PBJ.

This clearly is not the intent of the Maryland legislature and is unjust. SB 527/HB 354 will make minor changes to the law which would ensure the PBJ will no longer be considered a conviction under federal law and thus reduce the harm that ICE and the immigration system is able to inflict upon our non-citizen neighbors, while also reducing the costs and burdens on the criminal justice system.

As physicians we know as eye witnesses, that there is no healthy amount of time for an immigrant to be detained. We have been inside of immigration detention centers and we know how hazardous these places are both to the immigrants and their families.



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This issue has taken on a heightened sense of urgency as we face a worsening pandemic. Serious illnesses and deaths due to COVID continue to rise inside the prisons, not only for the detained immigrant but also for the staff at these facilities.

In addition, family members suffer when their mothers and fathers, husbands and wives are deported. Families lose their wage earners and children lose their mothers and fathers. These children can no longer concentrate in school and suffer a host of psychological consequences. The emotional scarring is permanent and severe.

The Maryland Chapter of Doctors for Camp Closure urges a favorable report on SB 527/HB 354.