



HB 0354- SUPPORT
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Probation Before Judgement for Non-Citizens
House Judiciary Committee
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Members of the Committee,

As a Maryland resident, long-time organizer with Sanctuary DMV, and third-year law student working in the immigration legal space, I wholeheartedly express my support on behalf of Sanctuary DMV for this legislation. We at Sanctuary DMV believe firmly that immigrants should be treated as equals in our criminal justice system, and that no person deserves to be banished from their community. This Act would eliminate disparities in the treatment of citizens and non-citizens and keep families together.

Sanctuary DMV is an all-volunteer collective dedicated to working in solidarity with immigrant communities in DC, Maryland, and Virginia. Amongst other activities, we accompany individuals to immigration appointments carrying a risk of detention or deportation, support families affected by ICE enforcement in the region, and advocate for state and local policies that enhance rights and resources for immigrant communities. Through this work, we have supported several individuals who were arrested by ICE and entered immigration proceedings through the criminal justice system in Maryland and elsewhere, often for offenses for which they otherwise would have served no jail time and that would have had only minimal consequences for similarly situated U.S. citizens.

The nexus between criminal legal proceedings and immigration enforcement is responsible for the majority of ICE arrests each year. The apprehension and detention by ICE of non-citizens charged or convicted of criminal offenses is unjust. We at Sanctuary DMV believe that no person should be detained or deported for civil immigration violations, regardless of their involvement in the criminal justice system. Rather, non-citizens who commit criminal offenses should be treated the same as U.S. citizens.

Take Probation Before Judgement as an example. If the Maryland criminal justice system determines that an offense committed by a non-citizen is not serious enough to warrant a formal criminal conviction carrying potential jail time, then the non-citizen should be released into the community on probation just like a U.S. citizen would be. What happens instead is that non-citizens who receive PBJ in Maryland — both undocumented people and green-card holders — are still considered to have a conviction for federal immigration purposes, and are often taken into immigration detention and deported despite a judge having determined that their offense warranted only probation. This is an arbitrary form of double punishment, and it has no place in our legal system.

A small change to Maryland criminal law could eliminate this disparity as applied to PBJ. This Act would provide an alternative avenue for granting PBJ to non-citizens such that it would not be considered a conviction under Maryland law or federal immigration law. It is a common sense change that helps us ensure equal justice for all Maryland residents. And it sends a clear signal that, even if a person living in Maryland may not be a U.S. citizen, they are still a *Maryland citizen*.

Sanctuary DMV urges a favorable report on HB 0354.