



## VICTIM SERVICES ADVISORY BOARD

February 23, 2021

The Honorable Luke Clippinger  
Chair, House Judiciary Committee  
Room 101, House Office Building  
Annapolis, Maryland 21401

Re: Support - HB354 – Criminal Procedure - Probation Before Judgment - Facts Justifying a Finding of Guilt and Suspension of Sentence

Dear Chairman Clippinger:

House Bill 354 changes the process by which a Probation Before Judgment (PBJ) is entered. PBJs are typically used in first-time and minor violations. Under current law, a PBJ is not considered a conviction under state law, but is considered a conviction under federal law. This discrepancy puts non-citizens at risk for deportation. House Bill 354 eliminates the need to first determine guilt or a defendant's acceptance of a nolo contendere plea before a PBJ is entered. Lack of a conviction applies the law equally to both citizens and non-citizens, and eliminates the fear of deportation for non-citizens.

The Montgomery County Victim Services Advisory Board (VSAB) advises the County Council and County Executive on assisting with the needs of victims of crimes including domestic violence, sexual assault, rape and human trafficking. The number and severity of sexual assault and domestic violence cases referred to the Montgomery County HHS Victim Assistance and Sexual Assault Program and the Abused Persons Program increased substantially in one year when comparing 2019 and 2020 intake data. The Montgomery County Police also reported concerns with an increase in violence in 2020 when investigating domestic violence calls. (<https://wtop.com/montgomery-county>, Oct. 16, 2020)

Fear of deportation of a spouse or intimate partner is a powerful motive to remain silent about domestic violence. Victims often depend on a partner for financial support, co-parenting, housing, health care benefits and transportation. Eliminating deportation as an obstacle will likely result in more victims coming forward to seek help for themselves and their partner. Domestic violence cases where a PBJ may be appropriate can include first-time offenses, those where no injury occurred or no weapon was used, or offenses where a protective order was violated with no injury.

VSAB asks the committee to issue a favorable report on House Bill 354.

Sincerely,

Kathryn Pontzer & Juanita Rogers  
VSAB Co-chairs

Department of Health and Human Services