



HB354- Support

February 19, 2021

Delegate Luke Clippinger
Chair, Judiciary Committee
House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: Support for House Bill 354 – Probation Before Judgment - Facts Justifying a Finding of Guilt and Suspension of Sentence

Dear Chairman Clippinger and Committee Members:

I am writing to express my office's support for House Bill 354. The bill would amend the "probation before judgement" (PBJ) statute to prevent a PBJ negatively impacting someone's immigrant status.

America is a country of immigrants. Around 8% of Baltimore City's population are immigrants.^[1] Our city boasts a sizeable Latino population, Africans, and Asians – all of whom make the city a diverse and wonderful place to live.

In recent years, immigrants have come under attack. The Trump Administration sought to attack immigrants and wage a campaign of xenophobia, culminating in a shameful chapter in our recent history – the separation of children from their parents. I have always strongly opposed these approaches, and find the Trump immigration policies to be among the most abhorrent things the president did while in office.

I have never wanted my office to be a part of the mass deportation apparatus. Accordingly, in 2017, I instructed my prosecutors to consider immigration consequences when charging people with certain offenses.^[2] As I said at the time, "we as prosecutors are the torch-bearers of justice in this city, thereby we must utilize our prosecutorial discretion as we do in every case by considering the unintended collateral consequences that our decisions have on our immigrant population."

It is not just that mass deportation is inhumane; it is also counterproductive to public safety. Victims and witnesses who have precarious immigrants' statuses are often unwilling to cooperate with law enforcement and prosecutors, and this makes it more difficult to secure convictions. There are bilingual staff in many areas of my office, including in victims and witness services, who have much experience working with the immigrant population.

^[1] <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-cns-immigrants-population-20191116-fu2qnfjdb5c5rpcm4gdublqgka-story.html>

^[2] <https://www.themarshallproject.org/2017/05/16/how-prosecutors-are-fighting-trump-s-deportation-plans>

STATE'S ATTORNEY
Marilyn J. Mosby



OFFICE of the STATE'S ATTORNEY for BALTIMORE CITY
120 East Baltimore Street | Baltimore, Maryland 21202

The proposal at hand provides another layer of security to the immigrant population. While it is clear that the Biden Administration will take a more compassionate approach to immigration, we must play our role in Maryland. The PBJ statute was never intended to have lasting collateral consequences. By deporting someone for a PBJ, we are exacting a consequence on an individual that is grossly disproportionate to the original offense. The punishment does not fit the crime.

Amending the statute would allow a process for entering a PBJ that would not trigger adverse immigration consequences. This is an option my office would readily utilize when dealing with the immigrant population.

House Bill 354 is a sensible approach to a sensitive issue. I am proud that our state has always had a progressive approach to immigration, and believe that this bill builds on that reputation. I urge its passage.

Sincerely,
Marilyn J. Mosby

Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby". The signature is written in a cursive style.

Marilyn J. Mosby
State's Attorney for Baltimore City