



## MARYLAND LEGISLATIVE LATINO CAUCUS

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TO: Delegate Luke Clippinger, Chair  
Delegate Vanessa E. Atterbary, Vice Chair  
Judiciary Committee Members

FROM: Maryland Legislative Latino Caucus (MLLC)

DATE: February 23, 2021

RE: HB354 Criminal Procedure - Probation Before Judgment - Facts  
Justifying a Finding of Guilt and Suspension of Sentence.

### **The MLLC supports HB354 Criminal Procedure - Probation Before Judgment - Facts Justifying a Finding of Guilt and Suspension of Sentence.**

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of HB354.

In Maryland, a Probation Before Judgment (PBJ) is not considered a criminal conviction. It allows a judge to rule a reasonable punishment without the taint of a conviction that could harm an offender's future opportunities. Typically, infractions granted a PBJ are for first time offenders or low-level offenses. Defendants are given the opportunity to complete a diversion program, which drastically reduces [recidivism](#).

While a PBJ aids many individuals by receiving needed assistance and rehabilitation, it has serious repercussions for others. A PBJ is not considered a conviction under Maryland law, but it is considered a conviction under federal immigration law. This guilty conviction can lead to life-altering consequences, including detention, deportation, disqualification for deportation defense, and ineligibility for citizenship. Maryland has such a large noncitizen population, including legal residents, where they should be able to accept a PBJ and not have to face the unintended, unbalanced, and unjust immigration penalties.

HB354 alters the provisions governing probation before judgment (PBJ) by authorizing a court to place a defendant on probation before judgment if the court finds facts justifying a finding of guilt. This bill also repeals the requirement that the required written consent of the defendant to the probation before judgment occur after a determination of guilt. If other Marylanders get a second chance through a PBJ, our immigrant neighbors should, too. We stand by our commitment to protect our immigrant communities and keep families together.

The MLLC supports this bill and urges a favorable report on HB354.