



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3700 County Council

POSITION STATEMENT

HB 354

Delegate Wanika Fisher, et. al
(Judiciary Committee)

Probation Before Judgement – Facts Justifying
a Finding of Guilt and Suspension of Sentence

POSITION:

SUPPORT

HB 354 – Probation Before Judgement – Facts Justifying a Finding of Guilt and Suspension of Sentence – This bill Authorizes a court to stay the entering of judgment, defer further proceedings, and place a certain defendant on probation subject to reasonable conditions if the court finds facts justifying a finding of guilt; repealing a requirement that certain written consent of the defendant to the probation before judgment occur after a determination of guilt or acceptance of a nolo contendere plea; and authorizing a court to suspend a portion or all of a certain sentence as a condition of probation before judgment.

This bill seeks to remedy problems associated with the Maryland Probation Before Judgement (PBJ) Statute for residents that are not U.S. Citizens. For U.S. Citizens, you admit guilt and waive your rights to a trial during the plea agreement process. The Judge then strikes the conviction and imposes probation instead. Upon successful completion of probation, the PBJ is permanent and no conviction is recorded. However, for those who are not U.S. Citizens, the PBJ is still considered a conviction under federal immigration law and subjects the non-citizen to deportation for first-time, non-violent offenses.

The Prince George's County Council has long been a champion of comprehensive immigration reform that removes disproportional consequences for non-citizens. In 2019, the County Council unanimously enacted **CB-62-2019** which bars all County agencies from engaging in immigration enforcement to ensure the constitutional rights of County residents are not violated and that County benefits and services are provided to all residents regardless of country of birth or immigration status. The County Council agrees that **HB 354** will assist in reducing fear among our growing immigrant population, encouraging interaction with law enforcement, including reporting crimes and serving as witnesses.

For the foregoing reasons, the Prince George's County Council **SUPPORTS HB 354** and respectfully requests your favorable consideration of its position.

Prepared by: Carrington & Associates, LLC
On behalf of Prince George's County Council

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