

IN SUPPORT OF HB 354

To: House Judiciary Committee
From: Gender Violence Clinic & Justice for Victims of Crime Clinic, University of Maryland Carey School of Law
Date: February 19, 2021
Re: Written Testimony in Support of House Bill 354

The University of Maryland Carey School of Law Gender Violence Clinic & Justice for Victims of Crime Clinic unequivocally support House Bill 354.

The Gender Violence Clinic & Justice for Victims of Crime Clinic represent clients with histories of and/or in matters involving intimate partner violence, rape, sexual assault, and trafficking. Both Clinics have represented a number of immigrant clients whose partners have been or could have been subjected to criminal prosecution leading to deportation.

Domestic violence related charges, like assault, are among the kinds of crimes for which probation before judgment (“PBJ”) is often appropriate. For example, courts will agree to impose PBJs in domestic violence cases where no serious injury occurred, no weapon was used, the incident involved a first-time defendant, the incident was limited to threats, or there was a violation of the no contact provision of a protective order, but no new abuse occurred.

Currently, if an immigrant gets a PBJ for a crime involving domestic violence, the PBJ is treated as a conviction for immigration purposes and the person can be deported. Victims are all too aware of the deportation risk to their immigrant partners if they call the police, so some victims are less likely to report domestic violence. There are many reasons why victims do not want their partners to be deported. If the partner is deported, the victim could be deprived of critical assistance, including child support payments, co-parenting support, economic support, health care benefits, housing, and transportation. A sole parent may also experience added stress because the children are grieving the loss of their deported parent.

If deportation after a PBJ was no longer a possibility, victims of domestic violence might be more likely to call the police. Moreover, if perpetrators are not concerned that a PBJ will trigger deportation proceedings, they might be more likely to take pleas and less likely to demand trials, sparing victims the experience of testifying, which is often retraumatizing. For all of these reasons, the Gender Violence Clinic & Justice for Victims of Crime Clinic strongly supports HB 354.