



State of Maryland
Office of the Attorney General

Monday, January 31, 2022

TO: The Honorable William C. Smith, Jr., Chair, Judicial Proceedings
Committee

FROM: Carrie J. Williams, Assistant Attorney General

RE: Attorney General's Support with Amendments for SB 265

The Attorney General urges the Judicial Proceedings Committee to report favorably with amendments on Senate Bill 265. Senate Bill 265 will help avoid devastating immigration consequences for people who commit minor crimes.

Senate Bill 265 creates a probation before judgment disposition that allows a judge to find facts sufficient to support a guilty finding but defer entry of that guilty finding in lieu of probation. Because it avoids any admission of guilt by the defendant, and any finding of guilt by the court, it is not considered a "conviction" for purposes of federal immigration law.

Immigration advocates and prosecutors worked together on the proposed amendments to Senate Bill 265 to ensure that the newly created "deferred facts" form of probation before judgment would be procedurally sound and subject to the same collateral consequences and limitations as the form of probation before judgment that already exists in the law.

Thanks to the hard work of these stakeholders, Senate Bill 265 as amended will allow defendants to avoid the devastating consequence of deportation while still protecting public safety and holding defendants accountable. The Attorney General urges a favorable report for Senate Bill 265.

cc: Members of the Committee