

Judiciary Committee

House Bill 559 - Probation Before Judgment - Probation Agreements - Probation Not Deportation

Testimony from Janelle Wong (Bethesda, MD)

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I submit this testimony as a state resident on behalf of the Montgomery County Progressive Asian American Network (MoCoPAAN), for which I serve as a board member. **This testimony is in SUPPORT of HB 559.**

This legislation relates to Probation Before Judgment (PBJ). It recognizes that Maryland residents face very different consequences from a PBJ based on citizenship status and aims to make consistent the effects, such that the same consequences apply to residents regardless of citizenship status.

Current PBJ policy imposes probation rather than conviction on US citizens who admit guilt in a criminal manner. But for Maryland residents who are not US citizens, PBJ is considered a conviction under federal immigration law. The result can trigger deportation.

We endorse HB 559, which would amend the Maryland PBJ statute to provide another method for a judge to grant probation that would not be considered a conviction under MD state or federal law. This would result in consistent consequences faced by all residents for a criminal matter subject to PBJ. Such a change would bring Maryland into alignment with similar statutes in Virginia and New York.

MoCoPAAN's values include:

That Asian Americans and Pacific Islanders should be seen and heard, as well as engaged and supported.

MoCoPAAN believes in equitable and inclusive policies that provide opportunities for people of all backgrounds.

MoCoPAAN believes that Asian Americans and Pacific Islanders must actively speak out and fight against racism and discrimination.

MoCoPAAN believes that acknowledging and confronting Anti-Blackness and Systemic Racism must be foregrounded in our collective work.

The current consequences from a PBJ disproportionately affect non-citizens (including permanent residents), including Asian Americans (the group with the highest proportion

of non-citizens in the state). The consequences of current PBJ enforcement also negatively affect Black and Latinx immigrants, who are more likely to suffer from bias than other immigrants in matters involving the criminal justice system and policing. Given MoCoPAAN's advocacy for immigrant rights and commitment to confronting anti-Blackness, we strongly believe a change is necessary to ensure just consequences under the law.