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MEMORANDUM

To: Members of the House Judiciary Committee

From: Maryland State Bar Association (MSBA)
Shaoli Katana, Esq., Advocacy Director

Subject: House Bill 193 - Probation Before Judgment - Probation Agreements

Date: February 3, 2023

Position: Support

The Maryland State Bar Association (MSBA) supports **House Bill 193 - Probation Before Judgment - Probation Agreements**. HB193 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; authorizes the court and a certain defendant to enter into a probation agreement under certain circumstances; provides that the entry of a probation agreement under the Act shall be considered as a probation before judgment for all other purposes under State law; etc.

The MSBA represents more attorneys than any other organization across the State in all practice areas. MSBA serves as the voice of Maryland's legal profession. Through its Laws Committee and various practice-specific sections, MSBA monitors and takes positions on legislation of importance to the legal profession.

The proposed legislation benefits and protects Maryland residents by removing the negative immigration consequences, including deportation, that can follow a criminal defendant who pleads guilty and receives probation in certain criminal cases, as a probation before judgment is considered a conviction under federal immigration law.

HB 193 would align Maryland law with that of several other jurisdictions, including Virginia, the District of Columbia, and California, and remove the trigger to deportation by pausing the finding of guilt in specific instances, providing clarity to defendants, attorneys, and courts.

The proposed legislation would prevent severe immigration consequences for Marylanders who are often first-time, non-violent offenders. With broad support from a variety of advocacy groups and retired judges, the MSBA hopes that stakeholders can work together through technical challenges to implement this important piece of legislation.

For the reasons stated above, MSBA supports HB 193 and respectfully requests a favorable report. For additional information, please feel free to contact Shaoli Katana at MSBA at shaoli@msba.org.