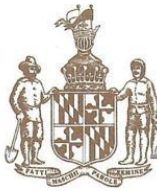


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—
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**Criminal Procedure - Expungement of Records - Resisting Arrest and Making a
False Statement to a Law Enforcement Officer**

Thank you, Chair Bartlett, Vice Chair Davis, Members of the House Judiciary Committee,

I am here today to present House Bill 113: Criminal Procedure - Expungement of Records - Resisting Arrest and Making a False Statement to a Law Enforcement Officer, which adds three specific non-violent misdemeanor charges to the expungement list under Criminal Procedure 10-110.

The charges are:

- CR § 9-408 (resisting or interfering with arrest)
- CR § 9-501 (making a false statement to a law enforcement officer)
- CR § 9-502 (making a false statement when under arrest)

These three charges were originally slated to be added to the expungement list under the Governor's [Expungement Reform Act of 2025](#), which passed this committee last year. However, last minute negotiations had the list of charges reduced in the Senate. We are simply following up this session to have these charges added back in.

The reasoning is that we know, from children to adults, that when people face the fear of potential arrest or loss of liberty, survival instincts kick in, and they may not behave in their best long-term interest. We know that a criminal record has a long term deleterious effect on employment, housing, and education long after the individual has served their sentence. Once an individual has served their time, in this case a maximum term of six months for a false statement to an officer or three years for resisting arrest, they need to be able to properly reacclimate to society.

To be clear, if this bill passed and went into effect today, an individual seeking an expungement for either of these three charges still:

1. Has to complete the entire sentence, including parole, probation, or other forms of mandatory supervision.
2. Has to wait an additional five years after the completion of the sentence.
3. Has to survive potential objections from the State's Attorney's Office and any possible victims, and
4. Can't get the record expunged if there's a subsequent offense during the waiting period.

Also, if this is part of a unit of charges and one of the charges isn't eligible for expungement, then these charges wouldn't be eligible for expungement.

The most recent data show that in the last two fiscal years, there were roughly 290 convictions for false statements and resisting arrest in Maryland. Again, the passage of this bill would not lead to any decrease in public safety as there are more than enough safety checks for the expungement of these non-violent, misdemeanor charges.

For these reasons, I urge a favorable report.

Delegate N. Scott Phillips