



TESTIMONY IN SUPPORT OF HOUSE BILL 113

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

TO: Members of the House Judiciary Committee
FROM: Center for Criminal Justice Reform, University of Baltimore School of Law
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The University of Baltimore School of Law Center for Criminal Justice Reform supports community-driven efforts to improve public safety and address the harm and inequity caused by the criminal legal system. In alignment with this mission, **we strongly support House Bill 113.**

Last session, this body took crucial steps to expand access to expungement for certain non-violent misdemeanor offenses, acknowledging that individuals who have completed their sentences deserve a fair chance to move forward. House Bill 113 builds on this progress by adding non-violent misdemeanor convictions, resisting arrest, and making a false statement to a law enforcement officer to the list of offenses eligible for expungement under Criminal Procedure § 10-110. This bill allows these limited offenses to be considered for expungement only after all statutory waiting periods and safeguards are met.

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, these charges were not included in the final version. The Center and our coalition partners aim to have these measures reintroduced this session to ensure the full potential of the Expungement Reform Act of 2025 is realized.

An individual's criminal record has long-term impacts on employment, housing, and education long after someone has completed their sentence. Research has shown that the existence of a criminal record can reduce job callback rates by roughly 50 percent¹, and formerly incarcerated

¹ National Reentry Resource Center, Clearing a Path to Employment: How Criminal Records Affect Employment Opportunities (2022), <https://nationalreentryresourcecenter.org/news/clearing-path-conviction-employment>

people are approximately 10 times more likely to be homeless than the general population.² 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, it is essential that they are provided with a meaningful opportunity to successfully reintegrate into their communities.

If passed, HB 113, an individual seeking an expungement for any one of these three charges is still required by law to:

1. Complete the entirety of their sentence, including parole, probation, or other forms of mandatory supervision.
2. Wait an additional five years after the completion of the sentence.
3. Navigate potential objections from the State's Attorney's Office and any victims, and
4. Are prohibited from getting their record expunged if there is a subsequent offense during the waiting period.

Lastly, if the conviction is part of a group of charges and any charge in that group is not eligible for expungement, then none of the charges in that group would be expungeable.

Recent data from the Maryland Judiciary shows that between FY 2022 and FY 2024, there were hundreds of convictions for resisting arrest (206-243 per year) and for false statement offenses (51-76 per year).³ The passage of this bill would not negatively impact public safety, as there are research driven safeguards to ensure the appropriate timing of expungement relief for these offenses.

For these reasons, we urge a favorable report on House Bill 113.

² Couloute, Lucius. "Nowhere to Go: Homelessness among formerly incarcerated people." Prison Policy Initiative, 2018, <https://www.prisonpolicy.org/reports/housing.html#appendixtable2>

³ 2025 Regular Session - Fiscal and Policy Note for House Bill 499