



MARYLAND HOUSE JUDICIARY COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF HB0113: CRIMINAL PROCEDURE -
EXPUNGEMENT OF RECORDS - RESISTING ARREST
AND MAKING A FALSE STATEMENT TO A LAW ENFORCEMENT OFFICER
MARCH 3, 2026

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Chair Bartlett and distinguished members of the Committee, thank you for the opportunity to testify in support of House Bill 0113. My name is Chris Sweeney, and I am a staff attorney at Maryland Volunteer Lawyers Service (MVLS), where I manage our Workforce Development Project. MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders throughout the state. Since MVLS' founding in 1981, our statewide panel of over 700 volunteers has provided free legal services to over 115,000 Marylanders in a wide range of civil legal matters. Through our Workforce Development project, we represent many clients seeking sustainable, fulfilling employment. One of the major barriers to employment is a criminal record, and we have represented over 1,000 clients in expungement proceedings. For the reasons explained below, MVLS respectfully requests the committee return a favorable report on HB 0113.

MVLS' Workforce Development Project is a partnership with occupational training programs in Baltimore City and is a continuation of the Mayor's Office's 'One Baltimore for Jobs' pilot program. The goal of the program is to make participants more job-ready by reducing barriers to employment. Each of the clients we serve through the Workforce Development Project is enrolled in courses to receive job skills training and certification in welding, machine operation, nursing, pharmacy tech, construction, and weatherization. These non-profit programs are free to students and aim to provide re-entry opportunities for the previously incarcerated or those who lacked educational and employment opportunities due to poverty. The majority of clients we see through this project have criminal cases on their records.

HB0113 would add two common misdemeanors to the list of convictions eligible for expungement. Those are resisting arrest and making a false statement to a police officer. Currently, anyone convicted of these crimes in Maryland will have a criminal record for the rest of their life. These permanent records also prohibit expungement of otherwise eligible offenses. This results in an all-too-common situation where, if these are the only charges to "stick" in a particular prosecution, the defendant is left with a permanent record that contains charges for which they were never found guilty.

Here is a scenario that I have seen impact hundreds of my clients: A person is being arrested for misdemeanor drug possession. Being in a tense situation, he may fidget or not be fully cooperative while officers attempt to handcuff him. Out of nervousness, he might give a fake name. For any number of reasons, the State's Attorney decides it cannot prove the elements required to convict based on possession of drugs, and drops those charges. However, the fact that the defendant did not initially cooperate with police may be enough to convict for resisting arrest or false statement. Now, this person has a criminal record for "resisting arrest" for the rest of his life, even though he was never convicted the crime for which he was initially arrested. Frankly this sounds almost dystopian.

Importantly, this bill authorizes expungement of convictions only after the completion of sentence, including incarceration, parole, and/or probation. Someone who has served their time according to the lengths deemed just by our courts need not be punished again when they apply for a job years or even decades later. Maryland should not be a state where people are forever defined by their worst moments.

I have represented hundreds of clients who were convicted of an eligible offense, say drug possession, ten or fifteen years ago, only to have that case permanently blocked from expungement due to a subsequent conviction for resisting arrest. Expungement should be a tool to allow those who have served their time a chance to successfully re-enter society. Certainly, it is reasonable to think that many egregious and violent actions should not be expunged from a person's record. But the expungement process overall should not be a moral purity test – if someone resisted arrest at some point in the past, this must not define them as a morally unsound person for the rest of their life. We must allow people who have made unfortunate choices to have an opportunity to prove they can do better.

MVLS has been fighting to even the playing field for low-income Marylanders for decades, and we know that these members of our community face significant financial obstacles when trying to put their lives back on track. HB0113 would advance our vision of a more just Maryland. This vision includes a system where people convicted of non-violent crimes, who have paid their debt to society and left their past behind them, can seek employment without fear of rejection. We at MVLS respectfully request a favorable report on House Bill 0113.

Miss Chair and members of the Committee, thank you again for the opportunity to testify.