

**CITY OF BALTIMORE  
COUNCIL BILL 07-0277R  
(Resolution)**

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Introduced by: Councilmembers Kraft, Young, Curran, President Rawlings-Blake,  
Councilmembers Welch, Clarke, Reisinger, Middleton, D'Adamo, Holton, Harris, Conaway,  
Mitchell  
Introduced and adopted with amendments: March 26, 2007

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**A COUNCIL RESOLUTION CONCERNING**

**In Support of State Legislation – House Bill 10 – Criminal Procedure – Expungement of  
Police Records – Arrests Without Charge – Automatic**

FOR the purpose of supporting this legislation that would entitle a person who is arrested or confined by a law enforcement unit, and is released without being charged to automatic expungement of all police records relating to the arrest, and would repeal existing provisions that require written notice for expungement of specified records, as well as provisions prohibiting a person from requesting expungement before a statute of limitations expires; urging the Honorable Chair and Members of the Senate Judicial Proceedings Committee and the Honorable Chair and Members of the Baltimore City Delegation to the 2007 Maryland General Assembly to support passage of the legislation; and petitioning the Governor to sign the measure into law.

**Recitals**

This legislation that passed through the Maryland House of Delegates on March 6, 2007, with a vote of 130-9, seeks to automatically expunge arrest records in cases in which criminal charges were not brought. This bill is more significant than ever considering that, according to the Maryland Criminal Justice Information System, approximately 21,000 people were arrested and released without charge in Maryland last year. The issue then becomes that these citizens have arrest records, but were never charged with a crime and are potentially innocent of any wrongdoing.

Under the current law, people must apply for expungement and sign a waiver of legal claims against the arresting agency. This bill would not only make the expungement process more convenient for citizens, but would also cut down on the costs and bureaucratic red tape that the expungement process creates. Since these records would be automatically expunged, more officers would spend their time fighting crimes, rather than filling their time dealing with the process of filing expungement paperwork and waiting for the process to be completed before the expungement can take place.

In addition to saving valuable officer time, this legislation would provide that the citizens of the State of Maryland need not worry that an arrest in which criminal charges were unable to be brought will not mar the record of the citizen for any significant period of time. However, ~~under an amendment to~~ House Bill 10 should be amended to provide that; the fact that a person's record is expunged would not create a right for that person to bring a civil action for false imprisonment, false arrest, or any other tort claim that arises from the incident that was the subject of the expungement.

EXPLANATION: Underlining indicates matter added by amendment.  
~~Strike out~~ indicates matter deleted by amendment.

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1        These arrest records can affect a person’s ability to find employment, a place to live, or  
2 receive bank loans. If a person is arrested, his or her arrest record can follow him or her around  
3 until he or she has the record expunged, which as the law stands right now, is a process that can  
4 be difficult and time consuming. By changing this process, citizens will be able to have their  
5 police records permanently and automatically expunged with 30 days and will not have to worry  
6 about writing requests, court orders, or appellate reviews. This will help those citizens who may  
7 not be familiar with the justice system expunge their arrest records and allow them to go on  
8 living their lives, without worrying about having to expunge the blemish from their records.

9        **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this  
10 Body supports this legislation that would entitle a person who is arrested or confined by a law  
11 enforcement unit, and is released without being charged to automatic expungement of all police  
12 records relating to the arrest, and would repeal existing provisions that require written notice for  
13 expungement of specified records, as well as provisions prohibiting a person requesting  
14 expungement before a statute of limitations expires; urges the Honorable Chair and Members of  
15 the Senate Judicial Proceedings Committee and the Honorable Chair and Members of the  
16 Baltimore City Delegation to the 2007 Maryland General Assembly to support passage of the  
17 legislation as so amended; and petitions the Governor to sign the measure into law.

18        **AND BE IT FURTHER RESOLVED,** That the Honorable Chair of the Senate Judicial  
19 Proceedings Committee is respectfully requested to include this Resolution as part of the  
20 Committee record of support for legislative proposals to pass House Bill 10 regarding the  
21 Expungement of Police Records in the Maryland State Senate.

22        **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the  
23 Mayor, the Honorable Chair and Members of the Senate Judicial Proceedings Committee, the  
24 Honorable Chair and Members of the Baltimore City Delegation to the 2007 Maryland General  
25 Assembly, the Executive Director of the Mayor’s Office of State Relations, and the Mayor’s  
26 Legislative Liaison to the City Council.