



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2023 Session
SB0057

Sexual Offenses - Crime of Violence and Lifetime Supervision

Bill Summary

This bill expands the definition of a “crime of violence” under § 14-101 of the Criminal Law Article to include sexual abuse of a minor meeting specified criteria. The bill also expands the list of offenses that subject an offender to lifetime sexual offender supervision to include sexual abuse of a minor meeting specified criteria and all circumstances of second-degree sexual offense and an attempt to commit second-degree sexual offense (as that crime existed before October 1, 2017). The bill applies prospectively to a conviction on or after the bill’s October 1, 2023 effective date.

Racial Equity Impact Statement

Due to the lack of more specific data, as discussed below, any racial or ethnic disparities or disproportionalities in arrests for child sexual offenses or among victims of these offenses cannot be reliably estimated at this time. As a result, the equity impacts of the bill in terms of both offenders and victims are indeterminate without more robust data.

Analysis

Under the bill, convicted offenders would be subject to harsher penalties due to the reclassification of the specified sex offense as a crime of violence and application of lifetime supervision for three additional sex offenses. Specifically, the bill reclassifies sexual abuse of a minor aged 16 or younger (if the offender is at least 21 years of age) as a “crime of violence” under § 14-101 of the Criminal Law Article.

The bill also subjects the following individuals to lifetime sexual offender supervision:

1. an individual convicted of sexual abuse of a minor aged 16 or younger (as described above).

2. an individual convicted of a second-degree sexual offense or its attempt when:
 - a. the victim was younger than age 14; and
 - b. the person performing the sexual act was at least four years older than the victim at the time of the offense; and
 - c. a person who has been convicted of sexual abuse of a minor under § 3-602 of the Criminal Law Article that involved a child younger than age 13 (instead of the current application to an offense involving a child younger than age 12).

Child Sex Abuse Victims in Maryland

Nationally compiled statistics from local child protective services provide some information about victims of child sex abuse. The U.S. Department of Health and Human Services (HHS) reports that 2,059, or 28.4%, of the child abuse or neglect cases that occurred in Maryland in 2020 were for sexual abuse. This was an increase of 3.4% compared to 2019. While there is no data readily available regarding the race and/or ethnicity of child sexual abuse victims from the HHS dataset, it does report these demographics for child abuse victims generally in the State. According to the HHS data, 37% of child abuse victims in 2020 were Black or African American, 23% were white, 9% were Hispanic or Latino, and 1.7% were of multiple races. Asians, American Indians or Alaska Natives, and Native Hawaiians or Pacific Islanders comprised less than 1% of victims. A significant portion of the victims, approximately 28%, were of unknown race.

Arrests for Sex Offenses in Maryland

Arrest data from the Department of State Police reports a total of 1,349 sex offenses in Maryland in 2020. While it is unknown how many of these arrests involved child abuse or offenses involving minors, whites comprised 51% of these arrests, Blacks or African Americans 46%, and Asians 3%. Native Hawaiians or Pacific Islanders and American Indians or Alaska Natives were less than 1% of the total.

Conclusion

There is no reliable data currently available to specify the number and demographic characteristics of offenders charged, arrested, or convicted of sexual abuse of a minor or of a second-degree sex offense as provided in the bill. There is also not readily available data on the demographics of the victims of these offenses. The annual Crime in Maryland Report compiles data on a broad range of sex offenses, including child sexual abuse and rape, but does not distinguish between offenses committed against minors versus adults. Specific data on arrests compared to convictions and sentencing would be necessary to gauge equity issues related to child sex abuse offenders.

Methodologies, Assumptions, and Uncertainties

The information provided in this note is drawn from quantitative data analysis of available statistical datasets on crime and criminal justice collected by entities at the national and state level.

Additionally, the information includes scholarly literature on racial and ethnic disparities in the U.S. criminal justice system.

Information Sources: Department of State Police; U.S. Department of Health and Human Services; Department of Legislative Services

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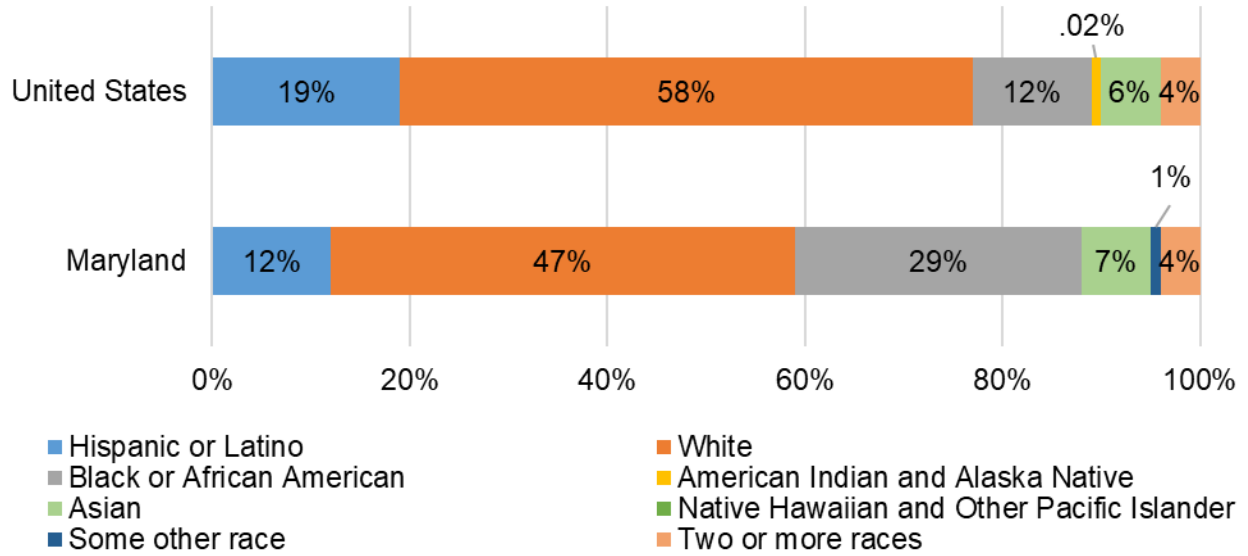
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest single race demographic group in Maryland with 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national population, the largest shares of the non-white population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.
