



# RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session  
HB0638

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## Juveniles - Sexual Offenses - Registration and Reporting Requirements

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### Bill Summary

This bill expands the applicable sexual offenses that may require an individual to register with the State sex offender registry or registry of juvenile sex offenders to include *any* act prohibited in Criminal Law Article § 3-307 (third-degree sexual offense). The bill repeals a provision requiring registration with the State sex offender registry if, among other things, the violation involved conduct described in § 3-301(e)(2) of the Criminal Law Article. If the juvenile court's jurisdiction over a juvenile registrant terminates before the juvenile reaches age 21, the juvenile registrant must remain on the registry of juvenile sex offenders until the registrant reaches age 21. Finally, the bill includes a violation of § 3-307 of the Criminal Law Article as a reportable offense.

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### Racial Equity Impact Statement

The bill's provisions requiring individuals on the juvenile sex offender registry to remain on the registry until age 21 would prevent any juvenile registered as a sex offender from returning to in-school learning. This may be impactful to individual students who would not be able to return to traditional classroom learning, but there is no data available to directly assess the overall impact since the size and demographics of the juvenile sex offender registry are unavailable. There is some contextual data to suggest that the number of students arrested or disciplined annually for sex offenses is small, but Black juveniles are overrepresented in arrests and school disciplinary actions for sex offenses. The bill's addition of third-degree felony sex offenses to the list of reportable offenses could exacerbate the existing inequities in disciplinary actions but the magnitude of that impact is likely minimal. No impact analysis was performed regarding the bill's requirement that juveniles and individuals 18 or older register as a sex offender for the specified third-degree sex offenses as demographic data for convictions and sex offender registrants was not readily available.

## Analysis

The bill requires any juvenile registrant on the sex offender registry to remain on the registry until age 21 regardless of whether the juvenile court retains jurisdiction over the juvenile. This requirement would ban in-person learning permanently for all registrants and extend the overall time on the juvenile registry for many registrants. The bill also adds an additional felony third-degree sex offense to the list of offenses that require registration on the State's juvenile sex offender registry or the adult registry in specified cases where a person who is at least 18 years old was previously adjudicated for a qualifying sex offense. Clarifying changes are also made to fourth-degree sex offense registration requirements in cases where an individual has a prior juvenile history of specified sex offenses. In addition, the bill requires third-degree felony sex offenses to be included on the list of reportable offenses that require law enforcement officials to notify school officials if a student is arrested off-campus for any of these offenses.

### *Sex Offender Registries and In-person School Attendance*

Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment under specified circumstances, is required to register with the State sex offender registry upon release from prison or release from court if the person did not receive a prison sentence. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in the home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland. The registry is maintained by the Department of Public Safety and Correctional Services.

The State maintains a registry of juvenile sex offenders that is accessible only by law enforcement personnel for law enforcement purposes. A person must be included in the registry of juvenile sex offenders if (1) the person has been adjudicated delinquent for an act that, if committed by an adult, would constitute a violation of specified sexual offenses in the Criminal Law Article; and (2) the person was a minor who was at least age 14 at the time the delinquent act was committed. When the juvenile court's jurisdiction over the juvenile registrant terminates, the juvenile registrant must be removed from the registry. The bill would require a registrant to stay on the registry until age 21 regardless of whether the juvenile court continues to have jurisdiction.

The juvenile court can retain jurisdiction over an individual until they reach age 21 if they were adjudicated delinquent by the court before age 18. In these circumstances, if the individual is at least 18 years old and was adjudicated delinquent of rape or a sexual offense that, if committed by an adult, would constitute a felony, the State's Attorney or the Department of Juvenile Services (DJS) may request that the person register on the adult sex offender registry if the person was a minor who was at least 13 years old at the time the act was committed and the juvenile court finds after a hearing that the person is at significant risk of committing a sexually violent offense or specified other serious sex offenses.

Chapter 735 of 2024 generally prohibits individuals registered on the State and juvenile sex offender registries from knowingly entering onto real property that is used for public or nonpublic elementary or secondary education or on which is located certain child care homes or a licensed child care institution, as specified by law. State law provides individuals on the sex offender registries (adult and juvenile) alternative education programs as specified in statute and

regulations. The bill adds an additional sex offense requiring registration on the juvenile sex offender registry for a person engaging in sexual contact with another if the victim is under the age of 14 years, and the person performing the sexual contact is at least 4 years older than the victim.

### *Reportable Offenses*

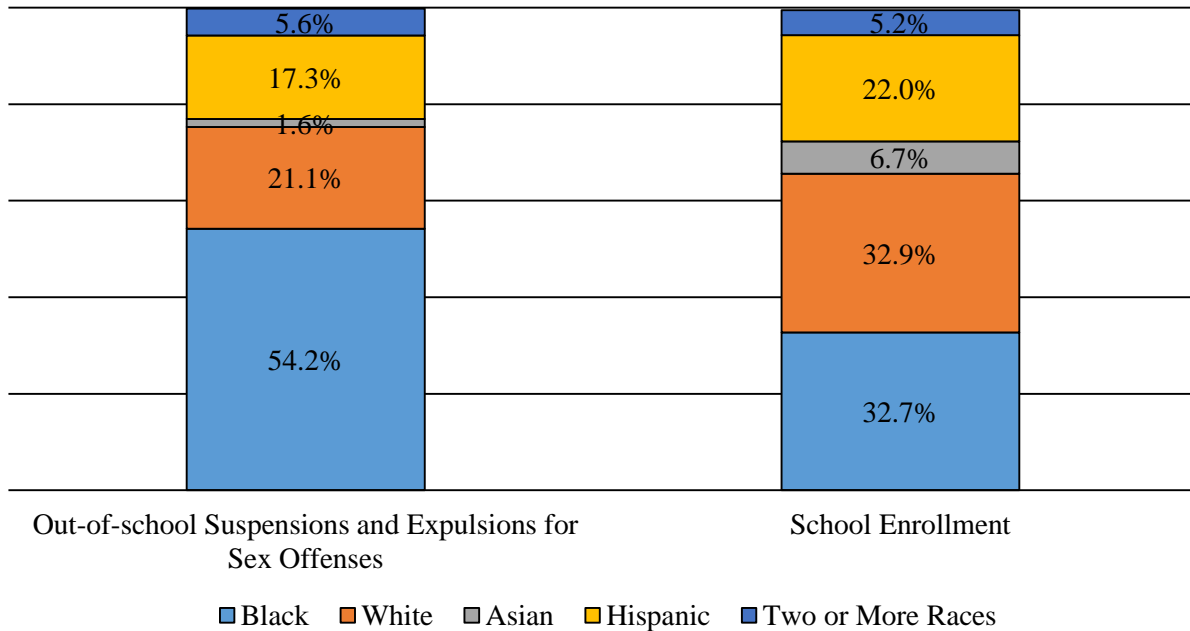
Under existing law, when a student is arrested for certain offenses, the law enforcement agency making the arrest must notify the student's local superintendent, the school principal, and for a school that has a school security officer, the school security officer of the arrest and the charges within 24 hours of the arrest, or as soon as practicable. The offenses that require this notification are known as "reportable offenses." Current law defines reportable offenses generally as those offenses that occur off school premises, did not occur at an event sponsored by the school, and are serious criminal offenses. Among these serious offenses, including murder, arson, criminal organization activity, and armed carjacking, are offenses requiring a student to register on the juvenile sex offender registry, such as rape and first- and second-degree sexual offenses. The bill would add third-degree felony sex offenses to the list of reportable offenses.

### *Impacts of the Bill*

The number and demographics of individuals on the juvenile sex offender registry is not readily available. However, data from decision points upstream from placement on the registry suggests that the number of juvenile sex offenders is small compared to other categories of juvenile crime. For instance, DJS data shows that sex offenses – felony and misdemeanor – accounted for 4.8% of delinquency adjudications in fiscal 2024 (some cases were still pending as of the report's publication date). Data from the Maryland State Department of Education for the 2022-2023 school year show that Black students are disproportionately represented in out-of-school suspensions and expulsions generally, and specifically for sex offenses. The total number of in-school arrests for sex offenses, however, is relatively low at 20 arrests. The total number of arrests off school property for sex offenses during the 2023-2024 school year is similarly low at 22 arrests. Department of State Police crime data for 2023 show 48 juvenile arrests for sex-related offenses, including forcible rape, statutory rape, and sexual assault. Demographic data for sex offense-related arrests was not available.

**Exhibit 1** shows the racial and ethnic breakdown of out-of-school suspensions and expulsions for sex offenses during the 2022-2023 school year compared to the demographics of the overall school population during the same time period. The data shows that there were 1,223 suspensions and/or expulsions for sex offenses, which include sexual attack, sexual harassment, and sexual activity. Black students comprised 33% of the overall school enrollment but accounted for 54% of suspensions and expulsions for sex offenses and 58% of all suspensions and expulsions. Black students were 2.5 times more likely than white students to be disciplined for this category of offenses during the time period. The data does not specify the number of expulsions or suspensions for third-degree sex offenses as defined in State law.

**Exhibit 1**  
**Out-of-school Suspensions and Expulsions for Sex Offenses**  
**Compared to School Enrollment**  
**2022-2023 School Year**



Source: Maryland State Department of Education

**Conclusion**

It is unclear to what extent the bill’s provisions that require juvenile offenders to remain on the juvenile sex offender registry until age 21, thereby prohibiting them from returning to the classroom permanently, may have on various demographic groups without more detailed data on those charged, arrested, and convicted or adjudicated for these offenses as well as their recidivism history. There is some evidence that Black juveniles may be disparately impacted by the bill based on existing arrest and school discipline rates. Black students accounted for 56% of all school arrests during the 2022-2023 school year despite comprising only 33% of school enrollment. Whether this general disparity holds true for convictions/adjudications involving sex offenses under the bill cannot be determined with the data available.

The bill’s provisions adding third-degree felony sex offenses to the list of reportable offenses may exacerbate existing disparities in school disciplinary actions, impacting Black students who are

2.5 times more likely than white students to be suspended or expelled for sex offense-related violations. The magnitude of the impact cannot be measured without additional data, but the limited overall data available on juvenile arrests for sex offenses suggests the impact may be minimal. Exact impacts would require more longitudinal data on convictions and/or adjudications for the specific offenses in the bill.

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**Information Sources:** Maryland State Department of Education; Department of Juvenile Services; Department of Public Safety and Correctional Services; U.S. Bureau of Labor Statistics; Department of State Police; Department of Legislative Services

**Analysis by:** Dr. Mikaela Zimmerman

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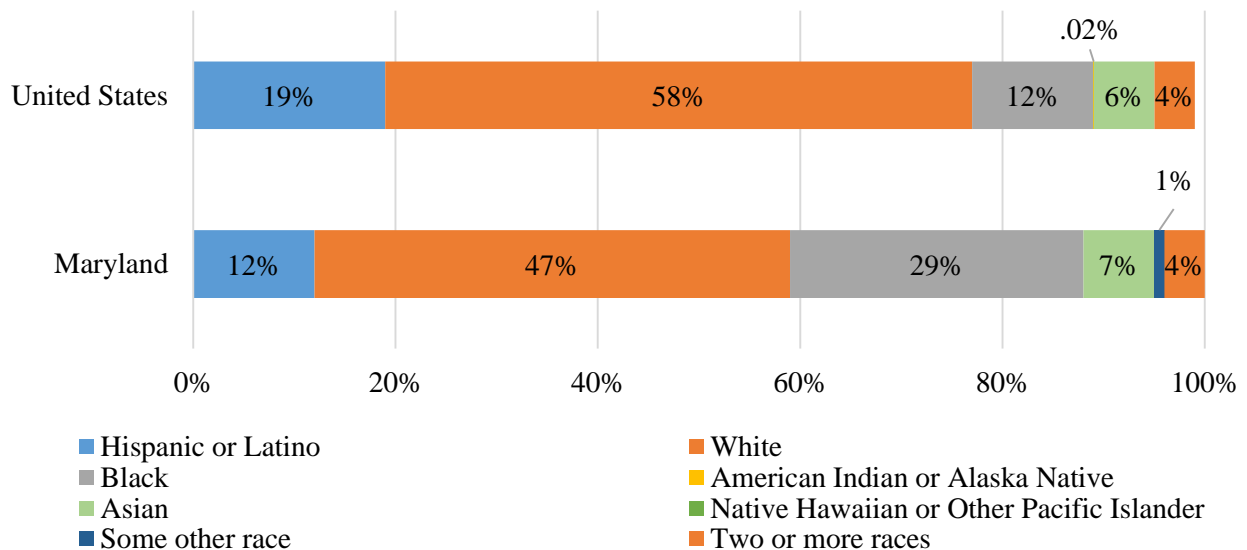
## Appendix – Maryland Demographics

### *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 race demographic group in the State at 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 populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black 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.