



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
HB0952

Juvenile Sex Offender Registry - Qualifying Offenses and Access

Bill Summary

This bill adds several offenses under the Criminal Law Article to the list of sexual offenses for which a person adjudicated delinquent is required to be included in the juvenile sex offender registry. The bill also (1) adds access to a court record by law enforcement or a local school superintendent or the superintendent's designee for purposes of the juvenile sex offender registry as a specified exception to the general prohibition on access to juvenile court records; (2) authorizes the local school superintendent or the superintendent's designee to access the registry; (3) repeals a requirement that a person be at least age 14 at the time the delinquent act was committed in order to be included in the registry; and (4) specifies that registration requirements terminate when the juvenile registrant reaches age 18, if the juvenile court's jurisdiction has otherwise been terminated.

Racial Equity Impact Statement

The bill's provisions will increase the number of juvenile registrants on the juvenile sex offender registry and prevent more students from returning to in-school learning. The bill adds several new offenses that require registration, requires juveniles under age 14 to register, and extends the time on the registry for most juveniles. This will be impactful to individual students who would not be able to return to traditional classroom learning, but there is no data available to determine the number of juveniles affected 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 provisions extending registry access to designated school officials would promote public safety – a component of racial equity – but the overall equity impacts depend in part on the extent to which school officials find additional students that must be removed from in-school instruction.

Analysis

Generally, the bill adds to the list of qualifying offenses requiring a juvenile to register on the juvenile sex offender registry, repeals the minimum age requirement for inclusion on the registry, and extends access to the registry to designated school officials. The bill also requires that a juvenile remain on the juvenile sex offender registry until the juvenile court's jurisdiction over them ends or when they turn 18 years old – whichever comes later.

Juvenile Sex Offender Registry

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.

The qualifying offenses under existing law for inclusion in the juvenile sex offender registry are:

- § 3-303 (first-degree rape), § 3-304 (second-degree rape), or § 3-307(a)(1) or (2) (specified third-degree sexual offenses); or
- § 3-305 (first-degree sexual offense) or § 3-306 (second-degree sexual offense) of the Criminal Law Article as those sections existed before October 1, 2017.

The bill would add the following offenses:

- § 3-307 (all third-degree sexual offenses – certain offenses already require registration);
- § 3-308 (fourth-degree sexual offense);
- § 3-309 (first-degree attempted rape);
- § 3-310 (second-degree attempted rape);
- § 3-602 (sexual abuse of a minor);
- § 3-902 (visual surveillance with prurient intent), if the victim is a minor; and
- § 11-207 (child pornography), if the victim does not have knowledge of or does not consent to the production or distribution of the child pornography.

Registry Access

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 would extend access to the juvenile sex offender registry to a school superintendent or their designee to facilitate local school systems' compliance with statutes that prohibit juvenile registrants from attending in-person school.

Time on the Registry

Under existing law, when the juvenile court's jurisdiction over the juvenile registrant terminates, the juvenile registrant must be removed from the registry. 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. The bill would require a juvenile to remain on the registry until *at least* age 18, regardless of when the juvenile court's jurisdiction ends. This would require longer registration for the majority of juveniles who are removed from the court's jurisdiction before they turn 18 years old.

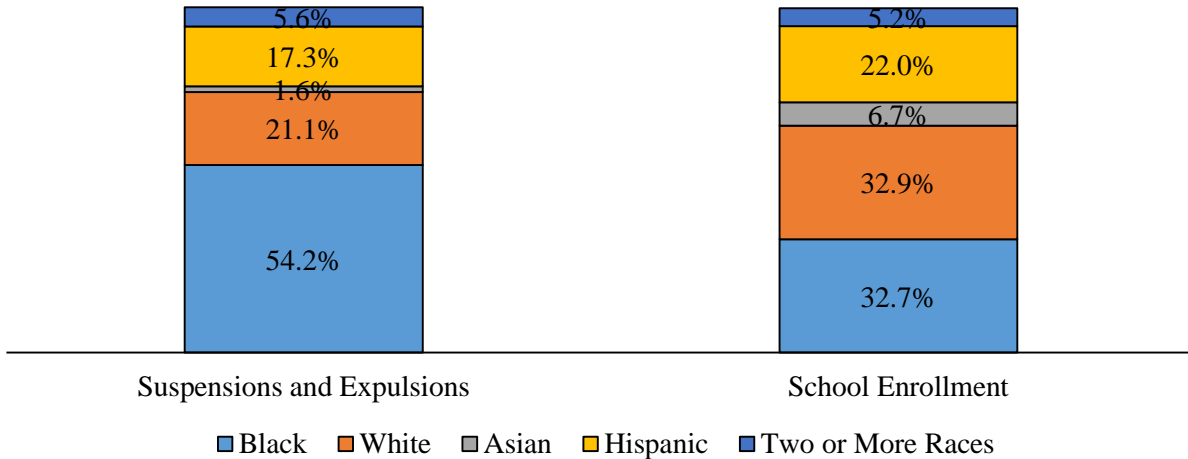
The bill will also repeal the minimum age requirement of 14 years old for offending juveniles to be placed on the sex offender registry.

Impacts of the Bill

The number and demographics of individuals on the juvenile sex offender registry are 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, the Department of Juvenile Services 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 shows 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 – a disparity that may be further exacerbated by the bill's provisions expanding the list of offenses requiring a juvenile to register as a sex offender.

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

The bill’s provisions that extend time on the juvenile sex offender registry, require juveniles younger than age 14 to register, and add additional qualifying sex offenses would likely increase the number of juvenile registrants and prevent registrants from returning to the classroom permanently. No data is readily available to measure specific impacts without more detailed demographic data on those charged, arrested, and convicted or adjudicated for the additional offenses. There is some evidence that Black juveniles may be most impacted by the bill based on existing disparities. Whether this general disparity holds true for convictions/adjudications involving the sex offenses under the bill cannot be determined with the data available. The limited overall data available on juvenile arrests for sex offenses suggests that the sex offense arrest category is relatively small compared to arrests for other offenses, but the bill would add several additional offenses that would require registration as a juvenile sex offender.

The provisions of the bill allowing access to the registry by specified school officials will help identify students for alternative education as required under existing law and may assuage the public safety concerns of students, parents, and school officials. It is unclear, however, whether removing a larger number of students from the traditional education setting, potentially on a permanent basis, would be beneficial to their rehabilitation needs.

Information Sources: Maryland State Department of Education; Maryland Judiciary; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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Published: 03/07/2025

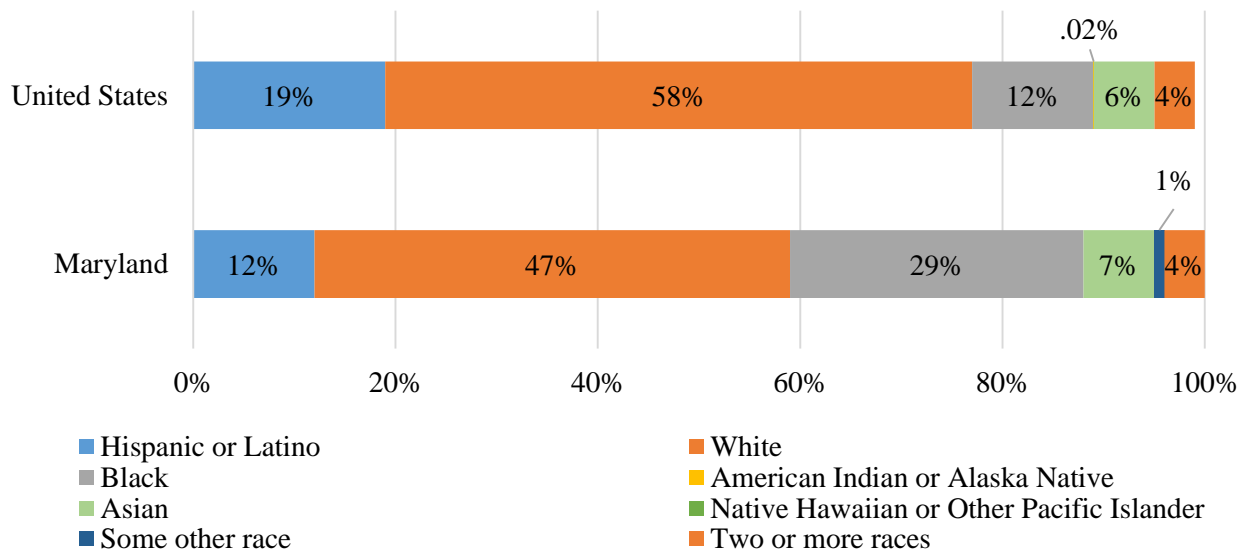
Appendix – Maryland Demographics

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.