



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
HB1265

Juveniles - Arrests for Reportable Offenses

Bill Summary

This emergency departmental bill alters the notification and data sharing provisions related to a student's arrest for a reportable offense or an offense related to the student's membership in a criminal organization. The Department of Juvenile Services (DJS) and the Maryland State Department of Education (MSDE), in consultation with specified entities, must develop an operational protocol to guide the transmission of information about students' arrests (and subsequent dispositions) for reportable offenses and offenses related to membership in a criminal organization.

Racial Equity Impact Statement

The bill's provisions alter the officials that the State's Attorney must notify of a case disposition after a student's arrest for a reportable offense. To the extent that these provisions hasten notifications of favorable dispositions, the bill would ensure the prompt return to regular in-school programming for students in cases where they were removed from in-person learning or otherwise disciplined following an arrest. Black students are most likely to benefit from the provisions of the bill as they are overrepresented in reportable offense arrests and school suspensions and expulsions. The public safety impacts of the bill, while not measured, would be beneficial as the increased information sharing would allow school officials to work to ensure the physical safety of students while maintaining the privacy of arrested juveniles.

Analysis

The bill's provisions would require a State's Attorney to notify the following school officials of the disposition of a student's charges resulting from an arrest for a reportable offense: (1) the local superintendent; (2) the school principal; and (3) the school security officer if one is assigned.

Existing law requires the State’s Attorney to notify *either* the school principal or superintendent. If the student’s disposition is that of a delinquent adjudication, or if their charges are still pending, the bill requires that the local superintendent, school principal, and specified officials in DJS, where applicable, notify by confidential file specified personnel of another school in the State to which the student has transferred or enrolled. The bill also requires DJS and MSDE to develop an operational protocol for transmission of the confidential files between schools.

Reportable Offenses Generally

Under existing law, a reportable offense is an offense that (1) occurred off school premises; (2) did not occur at an event sponsored by the school; and (3) includes a crime of violence, as specified in current law, and numerous other specified weapons, drugs, assault, and theft-related offenses. When a student is arrested for a reportable offense or an offense related to the student’s membership in a criminal organization, the law enforcement agency making the arrest must notify (1) the local superintendent; (2) the school principal; and (3) if appropriate, the school security officer. The law enforcement agency may also notify the State’s Attorney.

In 2022, the General Assembly expressed concern about the purported misuse or overuse of school removals for students arrested for a reportable offense. Chapter 742 of 2022 clarifies that a “reportable offense” as it relates to students in public or nonpublic schools is an offense that occurred off school premises and did not occur at an event sponsored by the school. The Act also requires that students accused of reportable offenses be disciplined according to existing State regulations and provides for additional due process accommodations by allowing a student accused of a reportable offense to have an attorney attend the conference between the student or parent and principal or county superintendent.

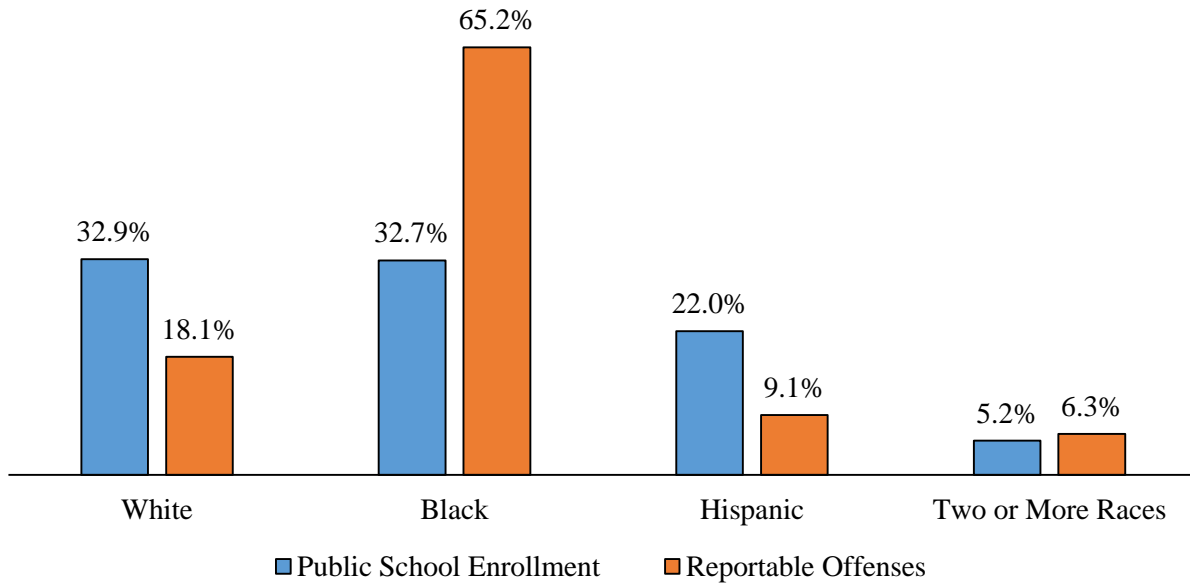
Juvenile Intake Process

The intake process for juveniles accused of any criminal offense requires a determination as to whether the juvenile court has jurisdiction and whether judicial action is in the best interest of the public and/or the child. DJS intake officers are authorized to (1) disapprove a complaint as legally insufficient; (2) resolve the matter at intake with or without services; (3) propose an informal adjustment period (also called pre-court supervision); or (4) authorize the filing of a petition by the State’s Attorney’s Office. While DJS can informally handle all complaints, violent felonies and handgun violations must be reviewed by the State’s Attorney and approved for informal adjustment/pre-court supervision. Informal adjustments serve to divert youth from formal juvenile court processing.

Impacts of the Bill

MSDE reported 986 reportable offense incidents during the 2022-2023 school year. Of these incidents, 65% involved Black students, 18% were white, 9% were Hispanic, and 6% involved students of two or more races. Asian, American Indian or Alaskan Natives, and Native Hawaiian/Pacific Islanders accounted for less than 2% of the total. **Exhibit 1** shows the racial and ethnic breakdowns for reportable offenses compared to each group’s share of the State’s public school population during the same time period.

Exhibit 1
Reportable Offenses and Public School Enrollment
by Race and Ethnicity
2022-2023 School Year



Source: Maryland State Department of Education

In addition, MSDE 2022-2023 school year data shows that there were 69,274 suspensions and/or expulsions for major offenses, several of which would be considered a reportable offense requiring notification of specified school officials under current law. Black students comprised 33% of the overall school enrollment but accounted for 58% of all suspensions and expulsions compared to their white counterparts that accounted for 21% of suspensions and expulsions and 33% of school enrollment.

While not measured here, the bill will generally enhance the public safety environment in schools due to its information sharing component. Racial equity concerns exist for victims or potential victims of crimes, and the increased notifications provided by the bill will alert school officials to youth that may pose a danger to other students.

Conclusion

The bill's requirement for a State's Attorney to notify school officials of post-arrest outcomes for reportable offense arrests would benefit the affected students by allowing a faster return to regular school programming in those cases where an arrested student is not referred to formal proceedings. Black students in particular may be impacted to the greatest extent as they make up a large portion of reportable offense arrests as well as out of school suspensions and expulsions in general. In the HB 1265/ Page 3

instance where an arrested student is subject to intake by DJS and potentially adjudicated delinquent, the bill would provide school officials with notification of the student's disposition and allow for disciplinary and/or alternative educational actions they deem appropriate through an established protocol. The specific impacts of the bill cannot be determined without additional longitudinal data on arrest outcomes, State's Attorney notifications, and detailed suspension and expulsion data.

Information Sources: Maryland State Department of Education; Department of Juvenile Services; Department of Legislative Services

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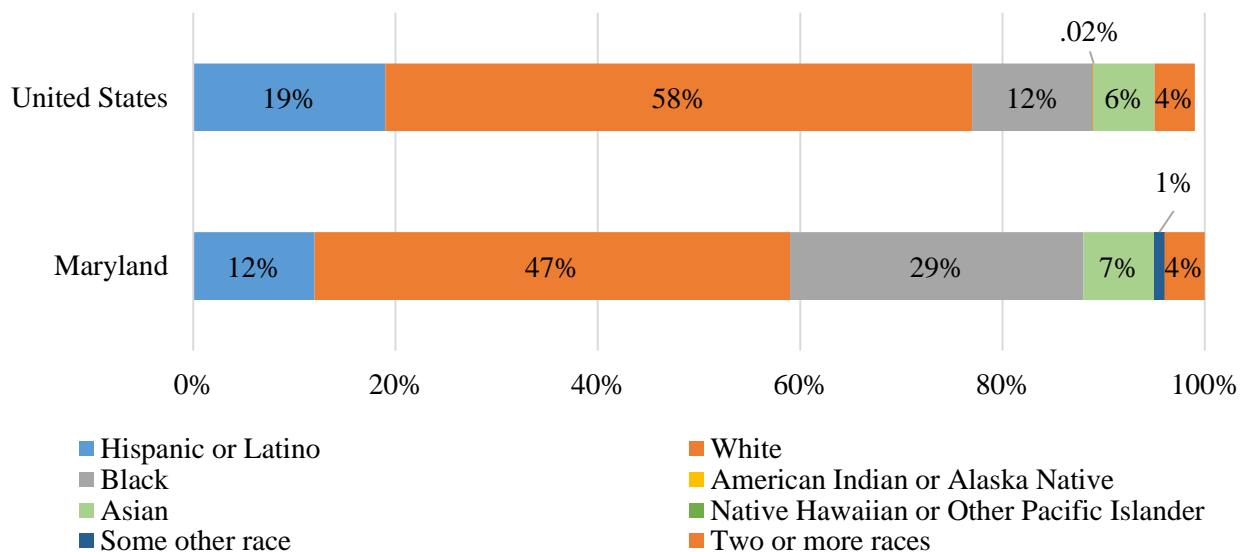
Appendix – Maryland Demographics

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 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.