RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES

MARYLAND · GENERAL · ASSEMBLY

2025 Session
SB0650

Criminal Procedure - Domestic Violence Offender Registry

Bill Summary

This bill requires the Department of Public Safety and Correctional Services (DPSCS) to establish and maintain a Domestic Violence Offender Registry. Information contained in the registry must be made available to the public through the Internet, by telephone and written access, and in person.

Racial Equity Impact Statement

The bill would create a publicly accessible Domestic Violence Offender Registry for specified repeat offenders of crimes that are domestically related. Current Department of State Police (DSP) crime data reporting for 2023 provides a detailed picture of domestic violence victims and the multitude of underlying offenses involved. Offender data, however, is not compiled at the same level of detail. Women comprise 69% of all domestically related crime victims, with Black women specifically comprising 54% of the overall total. While there is no data readily available to determine the demographic makeup of offenders, assault is the underlying offense for 83% of all domestically related crimes in 2023. Black individuals comprise 60% of the arrests for assault, including aggravated assault, during that time period. Given the DSP data, the impacts of the bill will likely be mixed. Victims will benefit from the public safety aspects of having a public registry and specified offenders, a substantial portion of which may be Black, would be subject to reporting and monitoring requirements as well as any public scrutiny resulting from inclusion on the registry. Determination of any specific impacts would require additional data on those convicted of a domestically related crime three or more times.

Analysis

The bill requires DPSCS to establish and maintain a Domestic Violence Offender Registry. Provisions of the bill would require an individual to register with the sheriff of their local county if that individual has been convicted three or more times of a domestically related crime. A domestically related crime is defined as (1) a crime of domestic violence as defined in § 4-701 of the Family Law Article or (2) a crime committed by a defendant against a victim who had a sexual relationship with the defendant within the 12 months immediately preceding the commission of the crime.

"Domestic violence" is defined as abuse occurring between:

1.   current or former spouses or cohabitants;

2.   persons who have a child in common; or

3.   persons currently or formerly involved in a dating relationship.

For purposes of the bill's provisions, a person is convicted when the person is found guilty of a crime by a jury or a judicial officer or enters a plea of guilty or *nolo contendere*. Once found guilty, the registrant is required to provide to the county sheriff their (1) legal name; (2) current address; (3) the crimes for which the registrant was convicted; and (4) the date and location of the crime.

Registration remains in effect for a period of 15 years following either the date of the latest conviction or the date of release from the latest period of incarceration, whichever is later. The time period must be extended for offenses committed after registration, as specified. A person is no longer subject to registration if (1) all underlying convictions requiring registration are reversed, vacated, or set aside; (2) the registrant is pardoned for all underlying convictions; or (3) the circuit court enters an order exempting the person from the registration requirements.

A person who is subject to registration may not knowingly fail to register or fail to provide accurate information. A violator is guilty of a misdemeanor and subject to a maximum fine of $2,000.

Domestic Violence Data Collection in Maryland

Maryland has been collecting data involving domestic violence since passage of the Domestic Violence Act of 1994, which requires all law enforcement agencies in the State to submit incident reports involving domestic violence to DSP. Chapter 554 of 2012 further improved the recording and tracking of domestic violence crimes within the court system by requiring all cases designated by a court to be a "domestically related crime" to become part of the court record for purposes of reporting to the Criminal Justice Information System Central Repository.

The Maryland Domestic Violence Fatality Review State Implementation Team collects data on domestic violence deaths. According to its 2023 report, in Maryland there were 40 total deaths, with 26 victims of domestic violence killed alongside 14 bystanders. Moreover, this report found that Black women made up 57.8% of the domestic violence homicides in Maryland.
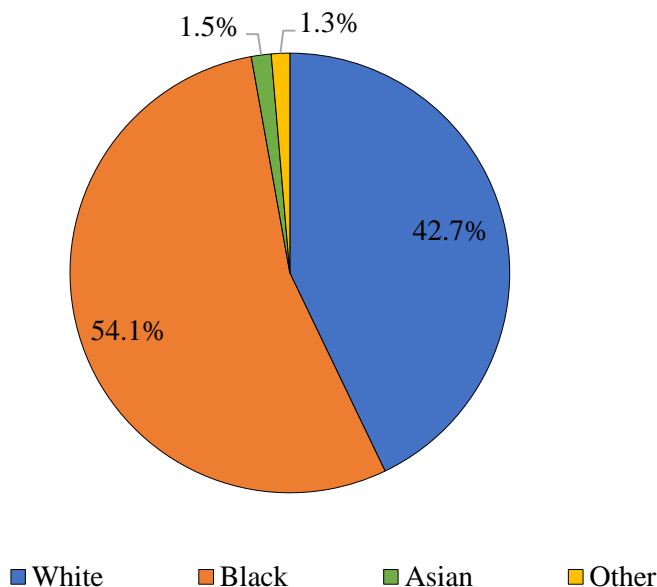
The Administrative Office of the Courts currently houses the Domestic Violence Monthly Reports database, which contains data on protective and peace orders across the State. The database reports the total number of protective or peace orders by sex, race, age, and case type of the respondent and is searchable by county, month, and year, but does not provide identifying information, criminal history, or the outcome of protective peace orders.

Impacts of the Bill

According to the 2023 DSP Uniform Crime Report, there were 34,017 domestically related crimes reported statewide in 2023, which was a 3% increase from 2022. Females were 69% of the victims and 31% were male. Assault was the most frequently reported offense, accounting for 28,329 incidents or 83% of all reported domestically related crimes in 2023. Of the domestic assaults reported, 20% were considered "aggravated," which is defined as "an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury."

Exhibit 1 illustrates the racial breakdown of victims of domestically related crimes and suggests a disparity for Black victims. Black victims were 54% of the total victims compared to 43% of victims that were white. Asian victims comprised 1.5% of the total, and individuals identified as from other races were 1.3% of the total. Since the data is aggregated by race and not ethnicity, the percentage of Hispanic victims is unknown.

Exhibit 1
Victims of Domestically Related Crimes by Race
Fiscal 2023

Source: Maryland State Police; Department of Legislative Services
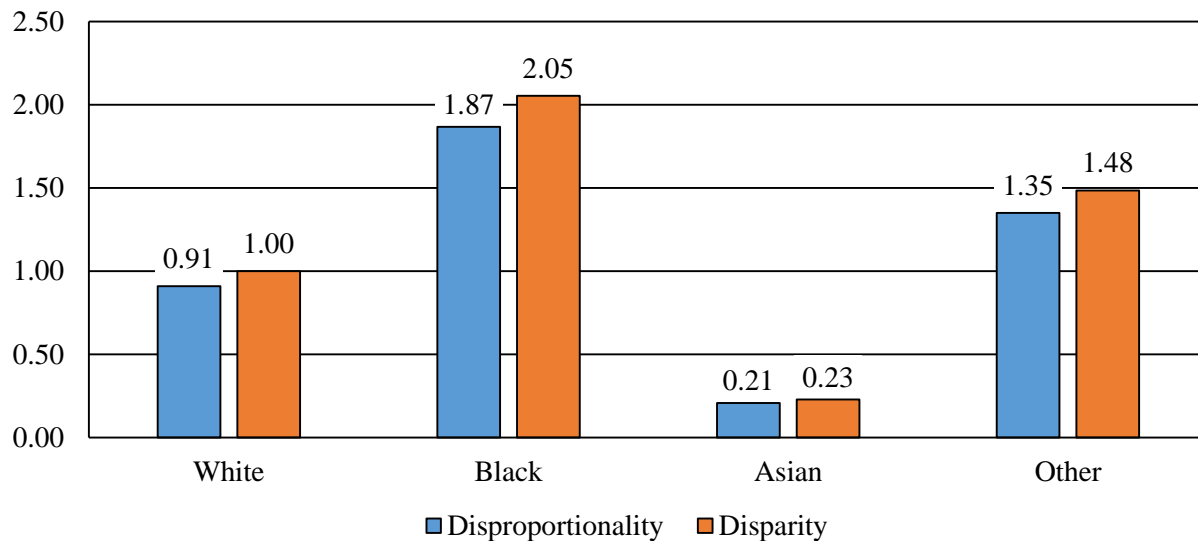
Domestic Violence Offenders

Demographic data is limited regarding domestic violence offenders in part because Maryland does not have a specific crime of domestic violence. Thus, domestic violence offenders are arrested, charged, and convicted of various underlying crimes connected to a domestic incident, including breaking and entering, destruction of property, motor vehicle theft, disorderly conduct, and arson. As stated above, assault is the largest category of offenses associated with domestic violence. Demographic data for assaults in 2023, including aggravated assault, shows that Black offenders account for approximately 60% of all assaults, compared to white offenders who accounted for 35%. Also, given that one of the largest groups of victims of domestic violence is Black women, it is likely that Black offenders comprise a meaningful portion of domestic violence offenders. Additional data would be needed to determine the specific demographics of domestic violence offenders. The bill would not require that a registrant's race or ethnicity be entered into the registry, but it does require a digital image of the registrant.

Racial Disproportionality and Disparity in Domestic Violence Victims

When compared to their share of the overall State population, Black victims are overrepresented in domestic violence incidents. **Exhibit 2** shows the disproportionality and disparity ratios by race and ethnicity from the DSP data. The disproportionality ratio for Black victims is 1.87. This means that Black individuals are nearly twice as likely to be a victim of domestic violence in Maryland given their share of the adult population in the State. The disproportionality ratio for Asian individuals of 0.21 is significantly less than 1.00, which means these individuals are considerably less likely to be sentenced under the statute as compared to their share of the overall adult population. Individuals identified as from other races have a disproportionality ratio of 1.35, which suggests they are overrepresented compared to their portion of the overall State population as well.

The disparity ratio illustrates inequities in outcomes when comparing one or more racial or ethnic groups within a dataset to the white population within that same dataset. Exhibit 2 shows that the disparity ratio for Black victims is 2.05. This means that Black individuals are two times more likely to be a victim of domestic violence relative to their white peers. Individuals identified as from other races are also more likely to be victims compared to white individuals, with a disparity ratio of 1.48.

Exhibit 2
Disproportionality Rate and Disparity Ratio
Victims of Domestically Related Crimes
Fiscal 2023

Source: Maryland State Police; Department of Legislative Services

Critics of a registry system point out some of the unintended consequences and limitations of domestic violence registries, including that abusers are not always physically violent or able to be convicted in the courts, potentially leading to a false sense of security for individuals that rely on a registry to avoid relationships with potential abusers. Also, in jurisdictions with primary aggressor laws, arrests are made solely by law enforcement's perception of the violence initiator, which can sometimes result in the arrest of a victim exercising physical self-defense. Dual arrests can have significant consequences for victims, including potential impacts on child custody, employment, and access to support services. Registry critics advocate instead for other criminal justice responses that they believe would better serve victims or potential victims, such as training law enforcement in best practices when responding to domestic or intimate partner violence calls. Despite any potential unintended consequences, the bill's registry requirement would likely have a significant beneficial impact on victims of domestic violence by documenting past domestic violence incidents and tracking an offender's residence. Additionally, individuals who are not victims of domestic violence would be able to protect against potential future domestic related crimes through use of the registry as a prevention tool.

Conclusion

Black individuals are overrepresented as victims of domestically related crimes and the bill's creation of a domestic violence registry would likely be beneficial to those victims since law

enforcement would be better able to track and locate the offenders through the registry. Other benefits include the ability of individuals who are not victims of a domestically related crime to use the registry to prevent potential future incidents. The aforementioned public safety aspects of the bill notwithstanding, the bill also has the potential to negatively impact Black individuals in the State who may comprise a substantial amount of domestic violence offenders, given their high rate of arrest for assault, aggravated assault, and other crimes that underlie domestically related crimes. It is unknown to what extent the creation of the registry would have on various demographic groups without more detailed data on those charged, arrested, and convicted of crimes that are domestically related, as well as historical data regarding repeat offenders of these crimes.

Information Sources: Administrative Office of the Courts; Department of State Police; Governor's Office of Crime Prevention and Policy; Maryland Network to End Domestic Violence; Department of Legislative Services

Analysis by: Rafael Regales
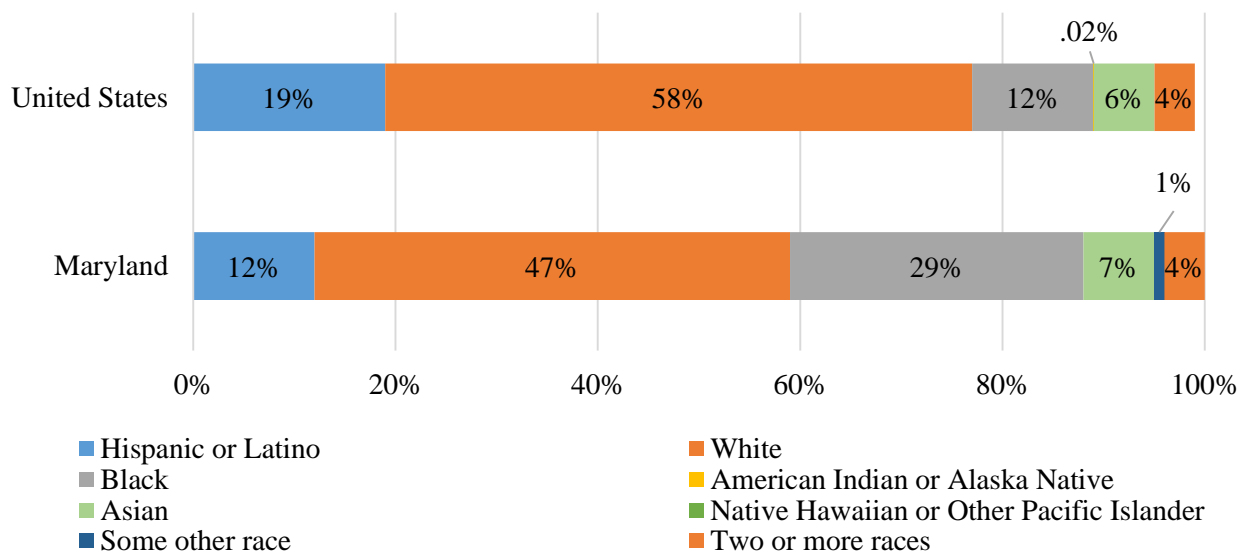
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Appendix – Maryland Demographics

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.