



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session
HB0475

Department of Juvenile Services - Employees - Prohibited Convictions (Juvenile Offender Protection Act)

Bill Summary

This bill prohibits the Department of Juvenile Services (DJS) from knowingly hiring or retaining an individual who has been convicted of any of the following crimes, unless the judgment of conviction for the crime was reversed or vacated: (1) abduction; (2) kidnapping; (3) manslaughter, except involuntary manslaughter; (4) murder; (5) rape; (6) sexual offense in the first or second degree; (7) first-degree child abuse; (8) sexual abuse of a minor; (9) felony sex trafficking or forced marriage; (10) continuing course of conduct with a child; (11) first-degree assault; or (12) assault with intent to murder, rape, or commit a first- or second-degree sexual offense.

Racial Equity Impact Statement

The bill would prohibit DJS from hiring or retaining an employee who has been convicted of one or more specified offenses. It is not clear to what extent the bill's provisions would change existing practice, as current regulations and DJS hiring policies appear to either directly or indirectly cover many of the offenses listed in the bill. Historical data on disqualification decisions, including how current policies are implemented regarding existing employees, would be required to measure the impacts, but this data is not readily available.

Analysis

While there are no statutes that specifically align with the provisions of the bill, DJS is required to conduct employment-related criminal background checks. Pursuant to § 9-209 of the Human Services Article, the department must apply to the Criminal Justice Information System (CJIS)

Central Repository in the Department of Public Safety and Correctional Services (DPSCS) for a federal and State criminal history records check for each employee of DJS.

CJIS must provide the requested information to DJS in accordance with specified statutes. If criminal history record information is reported to CJIS after the date of the criminal history records check, CJIS must provide to DJS and the employee a revised printed statement of the employee's criminal history record information. As part of the application for a criminal history records check, DJS must submit to CJIS the employee's fingerprints.

Chapters 3 and 8 of 2020 prohibit an employer with 15 or more full-time employees from, before the first in-person interview, requiring the applicant to disclose whether the applicant has a criminal record or has had criminal accusations brought against the applicant. The Acts do not apply to an employer that is expressly authorized to do so by another applicable federal or State law or if the employer provides programs, services, or direct care to minors or to vulnerable adults.

U.S. Equal Employment Opportunity Commission

The federal Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information. It is also illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. Most employers with at least 15 employees are covered by EEOC laws (20 employees in age discrimination cases). Most labor unions and employment agencies are also covered.

Federal guidance issued by EEOC indicates that blanket employment exclusions based on criminal history may result in disparate impacts and may constitute unlawful discrimination under Title VII of the Civil Rights Act of 1964. The guidance emphasizes that employment decisions based on criminal records should be job-related, consistent with business necessity, and narrowly tailored through individualized or targeted assessments rather than automatic exclusion policies.

Impacts of the Bill

According to the Department of Budget and Management, in fiscal 2025, the racial and ethnic composition of the Executive Branch of State government was 42.2% white, 45.4% Black, 3.0% Asian, 0.1% Native Hawaiian and Pacific Islander, 0.3% American Indian/Alaska Native, 2.2% Hispanic/Latino, 1.3% Multi-racial, and 5.5% who did not identify their race.

Collateral Consequences of a Criminal Record: In Maryland and many other states, systemic inequities exist at many decision points in the criminal and juvenile justice systems. Reasons for these inequities are complex as they result from the interplay between numerous factors, including laws, policies, and practices. This cycle is especially harmful as it reinforces itself through an individual's life. Long-term studies show that many individuals who are arrested have prior criminal histories and those with a greater number of prior arrests were more likely to be arrested again. Thus, one contact with the criminal justice system often creates more. Black individuals and other historically underrepresented groups are deeply affected by disparities in charges, arrests, convictions, sentencing, incarcerations, parole, probation, and expungement.

Studies show that there are notable collateral consequences to having a criminal record that often exacerbate the challenges of social reintegration following imprisonment. Even individuals convicted of criminal charges that do not face imprisonment may still see significant adverse effects as a result of having a criminal record. These adverse effects include reduced access to housing, public services, voting, holding public office, employment opportunities, and professional licensure. DPSCS reports that Black individuals make up at least 71% of Maryland's prison population contrasted with their 30% share of the State's overall population. As such, collateral consequences impact Black individuals significantly more than other racial groups.

State Regulations: State regulations require individuals who care for or supervise children at a juvenile detention, correction, or treatment facility to obtain a criminal background check and also specify crimes that disqualify individuals from providing services. Disqualifying crimes include:

- a felony conviction for aggravated assault; murder or manslaughter; robbery; arson; kidnapping; a handgun or weapon-related violation; first-, second-, or third-degree sexual offense; or two or more felonies not arising from the same incident;
- a conviction for an offense that resulted in incarceration when less than 10 years have elapsed since the applicant was released from incarceration or terminated from parole or probation, whichever last occurred;
- a misdemeanor conviction that resulted in incarceration when less than 5 years have elapsed since the applicant was released from incarceration or terminated from parole or probation, whichever has last occurred;
- three or more misdemeanor convictions, except convictions for minor traffic violations, arising out of separate occurrences if (1) at least one of the misdemeanor convictions was for an offense involving violence or moral turpitude and (2) a term of imprisonment was served for any conviction; or
- a misdemeanor or felony conviction for a criminal offense under Title 9, Subtitle 8 of the Criminal Law Article (gang-related crimes) or a similar conviction in a jurisdiction outside of the State.

DJS Hiring Policies: DJS hiring policies list the following additional disqualifying convictions to those enumerated in regulations: (1) first degree assault; (2) child abuse; (3) distribution of controlled dangerous substances; (4) infamous crimes, such as perjury or fraud, which have occurred within the past 10 years; (5) civil or administrative adjudications of activity involving engaging or attempting to engage in sexual activity facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; (6) engaging in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; (7) sexual harassment (excluding unfounded accusations); (8) failure to report an arrest or pending charge for a criminal offense or a positive indication of child abuse or neglect; (9) drug possession; (10) drug distribution; (11) assault; or (12) those who are currently on supervised probation or who are verified and/or affiliated in Gangnet (a law enforcement intelligence database).

Conclusion

Racial and ethnic disparities currently exist in both employment and criminal justice outcomes in Maryland. Disparities in the criminal legal system often lead to employment challenges due to a criminal record. As previously discussed, federal guidance provides that automatic employer exclusion policies can disparately impact historically underrepresented groups.

The bill could affect both prospective hires at DJS and the custodial youth placed in its facilities. Equity analysis must take into consideration both employment and public safety impacts, as historically underrepresented groups constitute a substantial portion of the State employee workforce and the DJS placement population. The bill's specific impacts cannot be assessed without additional data. Existing regulations and hiring policies either automatically exclude or potentially exclude applicants with a wide range of criminal histories, and it is unclear whether the bill will result in additional disqualifications in practice, given the lack of historical data on disqualifications. This data would also help assess the bill's public safety impacts.

Information Sources: Department of Budget and Management, Department of Juvenile Services; Department of Public Safety and Correctional Services; U.S. Equal Employment Opportunity Commission; Department of Legislative Services

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Appendix – Maryland Demographics

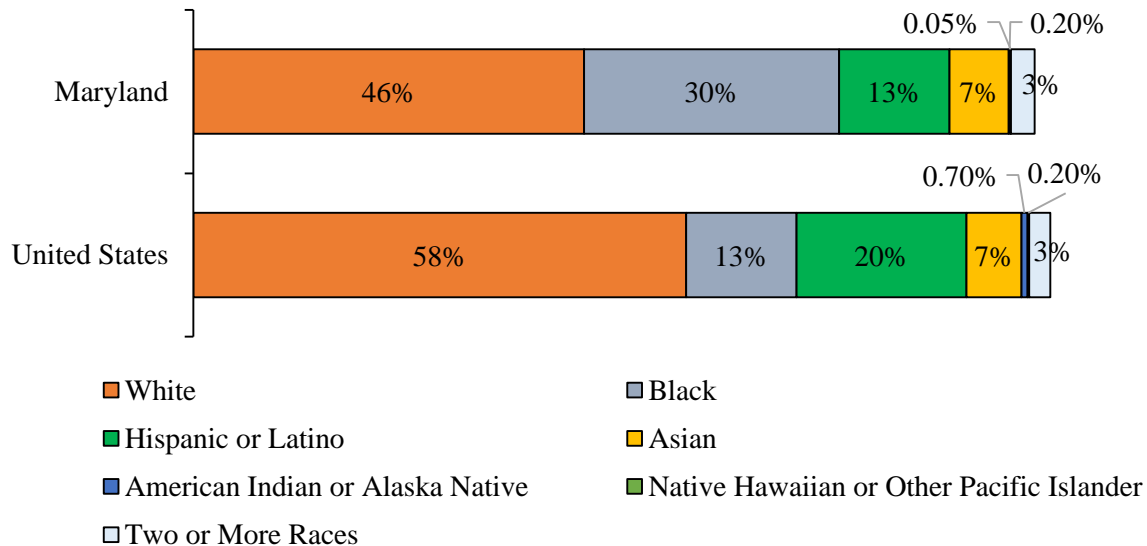
Race and Ethnicity of the Maryland Population

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. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial historically underrepresent racial and ethnic groups as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

Methodology Update

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

**U.S. and Maryland Population by Race and Ethnicity
2024 Population Estimates**



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau