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February 24, 2025

House Judiciary Committee  
Delegate Luke H. Clippinger  
101 Taylor House Office Building  
6 Bladen Street  
Annapolis, Maryland 21401

**Written Testimony re HB 638 (Grammer and Arikan) – Juveniles - Sexual Offenses  
- Registration and Reporting Requirements – OPPOSE**

Chairman Clippinger and Honorable Members of the Committee:

Juvenile Law Center writes to express opposition to House Bill 638, which expands the scope of offenses that require registration of children as sexual offenders, requires notification of schools when children are arrested for certain offenses, and requires children to remain on the registry until they reach the age of 21. As this Committee considers House Bill 638, we write to provide additional context on the harm this Bill will impose on Maryland children.

**Juvenile Law Center** fights for rights, dignity, equity, and opportunity for youth. Juvenile Law Center works to reduce the harm of the child welfare and justice systems, limit their reach, and ultimately abolish them so all young people can thrive. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center's legal and policy agenda is informed by—and often conducted in collaboration with—youth, family members, and grassroots partners. Since its founding, Juvenile Law Center has filed influential amicus briefs in state and federal courts across the country to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are consistent with children's unique developmental characteristics and human dignity.

Recognizing the critical developmental differences between youth and adults, Juvenile Law Center works to ensure that laws, policies, and practices affecting youth provide children with the protection and services they need to become healthy and productive adults. Core to this work is ensuring that all youth involved in the legal system are successfully reintegrated into their communities—efforts that are hindered when youth are labeled and stigmatized as sex offenders. Juvenile Law Center

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has been involved in state and federal litigation on youth sex offender registration issues as well as efforts to reform juvenile sex offender registration laws in California, Delaware, Illinois, Indiana, Kansas, Louisiana, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, Washington, Wisconsin, West Virginia, and at the federal level.

Under Maryland law, children are required to register as sex offenders if they were 14 years old and adjudicated delinquent of certain enumerated sexual offenses. Md. Code. § 11-704.1(b). Maryland law requires that children's registration status not be available to the public, and children are currently removed from registration when the juvenile court no longer has jurisdiction over them. *Id.* at (c) and (d). Additionally, registered children are not permitted to attend in-person public or non-public elementary or secondary schools. Md. Code. § 11-722 (c).

HB 638 broadens the scope of registration to those whom the juvenile court has already deemed no longer need to be monitored. This ongoing punishment will be felt even more distinctly for individuals who will continue to be excluded from school despite their discharge from court supervision if still of school age. Moreover, HB 638 would expand the scope of offenses that require youth registration and would subject more youth to the state's ban on in-person education for those who must register. This subjects youth to further isolation and limits their opportunity to obtain an education. Excluding the child from school also means excluding the youth from all that school attendance includes – participation in sports, clubs, music, etc. This, in turn, negatively affects a youth's ability to successfully reintegrate into the community. The child's absence from school and school activities also makes it more likely for members of the public to discern which youth are registered.

### ***Registration Makes Communities Less Safe***

HB 638 contradicts existing evidence and research and will not aid law enforcement or the public in identifying future sex offenders or preventing future sex offenses. Expanding the scope of offenses for which registration is required and time period on the registry does not promote public safety; in fact, it makes communities less safe.

- **Registration and public notification about a youth's registration status put youths' physical safety in jeopardy.** Children on sex offender registries are four times more likely to report a recent suicide attempt than non-registered children who have engaged in harmful or illegal sexual behavior.<sup>1</sup> When registration information is accessible to the public or even a subset of individuals, registered youth also face the danger of vigilante justice: more than 50% of registered youth report experiencing violence or threats of violence against themselves or family members that they directly attribute to their registration.<sup>2</sup> Instead of protecting communities, registering youth puts children's safety at risk. Experts hypothesize that this increased risk may be tied to access to registrant information, including registrants' addresses or contact information listed on the registry, as well as the harmful misconception that a youth registrant is promiscuous.<sup>3</sup>
- **Registration isolates youth.** Labeling youth as "sex offenders" falsely communicates to the world that the youth is untrustworthy, possesses other negative character traits, merits punishment, or is likely to commit crimes in the future.<sup>4</sup> Stigmatization from sex offender labeling frequently translates to real and concrete harm to accused youth, including social isolation and ostracism by peers, depriving youth of sources of psychological support at the precise time they most need community acceptance.<sup>5</sup>

- **Registration increases youths' risk of homelessness.** Because of stigma and residency restrictions, 44% of registered youth report experiencing homelessness.<sup>6</sup> This further jeopardizes youths' safety by increasing the risk of exposure to physical and emotional harm.

### ***Youth Registration Is Based On False Presumptions About Youth Who Have Committed Sex Offenses***

Youth registration rests on several false presumptions about youth who commit sex offenses. In fact, requiring youth to register does not reduce sexual offending.

- **Study after study confirms that sex offense recidivism among youth is exceptionally low.**<sup>7</sup> Individuals who commit sexual offenses in childhood are highly unlikely to commit a subsequent sex offense.<sup>8</sup>
- **Registration does not decrease recidivism.** As youth mature, better understand their sexuality, and naturally decrease impulsive behaviors, the behaviors behind sexual offenses stop.<sup>9</sup> Multiple studies confirm that children who commit sexual offenses are motivated by impulsivity and sexual curiosity, not predatory, paraphilic, or psychopathic characteristics.<sup>10</sup> Youth who commit sex offenses are no different from youth who engage in non-sexual delinquent behavior in that they mature and gain decision-making skills with time.<sup>11</sup>
- **Evidence shows the severity of a youth's offense is not predictive of re-offense.** A study comparing sexual recidivism rates of children assigned to three groups based on the severity of their offenses found no significant difference in the recidivism rates of the three groups.<sup>12</sup>

### ***Youth Registration Is Expensive And Imposes High Costs On The Public***

The cost of administering registries for youth far outweighs any perceived social benefit.

- **Studies estimate the annual cost of youth registries to be approximately \$2-3 billion,** which includes not only the cost to the government to maintain and enforce the registry, but also the cost to the youth's family.<sup>13</sup>
- **The public safety derived from youth registries is virtually nonexistent.** As explained above, youth engage in criminal conduct due to transitory factors such as their lack of maturity and the influence of circumstances and environments. And, youth are unlikely to recidivate with future sexual offenses. A better use of the Maryland funds required to maintain a youth registry would be to implement more tailored, evidence-based measures that support prevention of sexual offenses.

### ***"Private" Registries Are Porous and Can Impose Significant Barriers to Children as They Grow Into Adulthood***

Though the registry that Maryland children are placed on is considered a confidential registry and therefore not publicly accessible, requiring school schools be notified when children are arrested for certain offenses under HB 638, undermines that confidentiality.

- Even when individuals are placed on so-called "private" registries, scholars have reasoned that the information is never fully shielded from the public.<sup>14</sup>

- With no prohibition on resharing arrest information, *see* H.D. 638, 2025 Leg., 447th Sess. (Md. 2025.), school administrators can make an individual's information available to the public, post it online, or otherwise share with parents, faculty, and students.
- Once information is shared with the public, it is impossible to retrieve.<sup>15</sup>

### ***Youth Registration Has Significant Constitutional Deficiencies***

Registration was designed to be a public safety measure.<sup>16</sup> Yet, the absence of empirical support that it advances public safety and the well-documented harms to registered youth prompt significant constitutional questions of youth registration. Evidence confirming that youth registration does not improve public safety due to the low rates of recidivism for youth adjudicated of sexual offenses makes youth registration attenuated from the purported purpose of registration. The punitive nature and harm of youth registration likewise contravenes the rehabilitative purposes of the juvenile court system. State and federal courts across the country have examined registration schemes against this backdrop.

- An increasing number of courts have held that harms caused by youth registration constitute punishment,<sup>17</sup> in some cases in violation of the Eighth Amendment.<sup>18</sup> A Maryland Appellate Court has held, for example, that registration requirements may be viewed as punitive and described lifetime registration as akin to the “punishment of shaming for life.”<sup>19</sup>
- Maryland youth are not only subject to the harsh stigmatization associated with registration but are also deprived of the opportunity to attend public and non-public elementary and secondary school, which for some youth could raise significant concerns under the Individuals with Disabilities Education Act (IDEA). The presumption of dangerousness inherent in the “sex offender” label and the imposition of lifetime registration without an opportunity for review have led courts in other jurisdictions to hold that youth registration violates substantive due process.<sup>20</sup> Similarly, the proposed Maryland statute requires registration upon adjudication for all children, with no inquiry into their risk of re-offense or opportunity for a hearing to rebut the presumption that registration is necessary. Maryland's youth registration statute thus leaves open ample opportunity for constitutional challenges.
- The differences between state registration schemes and the immense difficulty youth face navigating those schemes unreasonably burdens a young person's constitutionally protected freedom of movement, and the right to intrastate and interstate travel.<sup>21</sup> Despite being inaccessible to the public at large, the “private” registry in Maryland nevertheless could infringe on a child and their family's right to privacy and reputation. In Pennsylvania, for example, the challenged youth registration statute required registration upon adjudication and all youth were placed on a private registry. Notwithstanding, the Pennsylvania Supreme Court found the registration scheme to be an unconstitutional restraint on the fundamental right to reputation and inviolate of children's rights to due process.<sup>22</sup>

Expanding sex offender registration is a failed practice that is not evidence-based. HB 638 harms youth, makes communities less safe, is costly to the public, and raises significant constitutional

concerns. For the foregoing reasons, Juvenile Law Center urges you to oppose HB 638. If I can provide additional information or assistance, please do not hesitate to contact me.

Sincerely,



Riya Saha Shah  
Chief Executive Officer

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<sup>1</sup> *Id.* at 10.

<sup>2</sup> HUM. RTS. WATCH, RAISED ON THE REGISTRY 56 (2013), [https://www.hrw.org/sites/default/files/reports/us0513\\_ForUpload\\_1.pdf](https://www.hrw.org/sites/default/files/reports/us0513_ForUpload_1.pdf).

<sup>3</sup> HUM. RIGHTS. WATCH, RAISED ON THE REGISTRY 58 (2013), [https://www.hrw.org/sites/default/files/reports/us0513\\_ForUpload1.pdf](https://www.hrw.org/sites/default/files/reports/us0513_ForUpload1.pdf).

<sup>4</sup> Akiva M. Lieberman et al., *Labeling Effects of First Juvenile Arrests: Secondary Deviance and Secondary Sanctioning*, 52 CRIMINOLOGY 345, 349 (2014); PRESTON ELROD & R. SCOTT RYDER, JUVENILE JUSTICE: A SOCIAL, HISTORICAL, AND LEGAL PERSPECTIVE 167 (4th ed. 2014).

<sup>5</sup> Judith V. Becker, *What We Know About the Characteristics and Treatment of Adolescents Who Have Committed Sexual Offenses*, 3 CHILD MALTREATMENT 317, 317 (1998).

<sup>6</sup> HUM. RIGHTS. WATCH, RAISED ON THE REGISTRY 65 (2013), [https://www.hrw.org/sites/default/files/reports/us0513\\_ForUpload\\_1.pdf](https://www.hrw.org/sites/default/files/reports/us0513_ForUpload_1.pdf).

<sup>7</sup> Michael Caldwell, et al., *Study Characteristics & Recidivism Base Rates in Juvenile Sex Offender Recidivism*, 54 INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY 197, 198 (2010), <http://commissiononsexoffenderrecidivism.com/wp-content/uploads/2014/09/Caldwell-Michael-2010-Study-Characteristics-and-recidivism-base-rates-in-juvenile-sex-offender-recidivism.pdf>; Michael F. Caldwell, *Sexual Offense Adjudication and Recidivism Among Juvenile Offenders*, 19 SEXUAL ABUSE 107 (2007); Michael F. Caldwell et al., *An Examination of the Sex Offender Registration and Notification Act as Applied to Juveniles: Evaluating the Ability to Predict Sexual Recidivism*, 14 PSYCH., PUB. POL'Y, & L. 89 (2008); E.M. Driessen, *Characteristics of Youth Referred for Sexual Offenses*, unpublished doctoral dissertation, University of Wisconsin- Milwaukee (2002); Michael P. Hagan et al., *Eight-Year Comparative Analysis of Adolescent Rapists, Adolescent Child Molesters, Other Adolescent Delinquents, and the General Population*, 45 INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY 314 (2001); Franklin E. Zimring et al., *Investigating the Continuity of Sex offending: Evidence from the Second Philadelphia Birth Cohort*, 26 JUSTICE Q. 58 (2009); Franklin E. Zimring et al., *Sexual Delinquency in Racine: Does Early Sex Offending Predict Later Sex Offending in Youth and Young Adulthood?*, 6 CRIMINOLOGY & PUB. POL'Y 507 (2007).

<sup>8</sup> *Id.*

<sup>9</sup> Michael F. Caldwell, *What We Do Not Know About Juvenile Sexual Re-Offense Risk*, 7 CHILD MALTREATMENT 291 (2002); Elizabeth Letourneau & Michael Miner, *Juvenile Sex Offenders: A Case Against the Legal and Clinical Status Quo*, 17 SEXUAL ABUSE 293, 331 (2005); Judith Becker & Scotia Hicks, *Juvenile Sexual Offenders: Characteristics, Interventions, & Policy Issues*, 989 ANN. N.Y. ACAD. SCI. 397, 399-400, 406 (2003); Michael Caldwell, et al., *Study Characteristics & Recidivism Base Rates in Juvenile Sex Offender Recidivism*, 54 INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY 197, 197-98 (2010).

<sup>10</sup> *Id.*

<sup>11</sup> Elizabeth Letourneau & Michael Miner, *Juvenile Sex Offenders: A Case Against the Legal and Clinical Status Quo*, 17 SEXUAL ABUSE 293, 313, 331 (2005); Michael F. Caldwell et al., *An Examination of the Sex Offender Registration and Notification Act as Applied to Juveniles: Evaluating the Ability to Predict Sexual Recidivism*, 14 PSYCH., PUB. POL'Y, & L. 89 (2008), <http://www.ncjfcj.org/sites/default/files/examinationofthesexoffender.pdf>.

<sup>12</sup> Franklin E. Zimring et al., *Sexual Delinquency in Racine: Does Early Sex Offending Predict Later Sex Offending in Youth and Young Adulthood?*, 6 CRIMINOLOGY & PUB. POL'Y 507 (2007).

<sup>13</sup> Richard B. Belzer, *The Costs and Benefits of Subjecting Juveniles to Sex-Offender Registration and Notification*, R Street Policy Study No. 41, at 2 (2015), available at <https://www.rstreet.org/wp-content/uploads/2015/09/RSTREET41.pdf>.

<sup>14</sup> Wayne A. Logan, KNOWLEDGE AS POWER: CRIMINAL REGISTRATION AND COMMUNITY NOTIFICATION LAWS IN AMERICA 138, 229 (2009).

<sup>15</sup> *Id.*

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<sup>16</sup> See 42 U.S.C. 16901 (the Adam Walsh Child Protection Act of 2006 was intended “to protect the public from sex offenders and offenders against children”).

<sup>17</sup> See *In re T.B.*, 489 P.3d 752, 769 (Colo. 2021); *In re C.K.*, 182 A.3d 917, 935 (N.J. 2018); *In re C.P.*, 967 N.E.2d 729, 750 (Ohio 2012).

<sup>18</sup> *In re T.B.*, 489 P.3d 752, 772 (Colo. 2021); *In re C.P.*, 967 N.E.2d 729, 732 (Ohio 2012).

<sup>19</sup> *Doe v. Dep’t of Pub. Safety & Corr. Servs.*, 62 A.3d 123, 143 (Md. App. Ct. 2013)

<sup>20</sup> See *In re T.R.*, 80 P.3d 1276, 1281 (Nev. 2003) (holding Nevada’s discretionary youth registration scheme was void for vagueness because “the statute lacks explicit standards to guide the district court in reaching its decision, it is subject to arbitrary and discriminatory application); *In re J.B.*, 107 A.3d 1, 2 (Pa. 2014), (under the Pennsylvania Constitution, “SORNA’s registration require violates juvenile offenders’ due process rights through the use of an irrebuttable presumption”); *In re C.K.*, 182 A.3d 917, 919 (N.J. 2018) (holding that “[p]ermanently barring juveniles who have committed certain sex offenses from petitioning for relief from the Megan’s Law requirements bears no rational relationship to a legitimate governmental objective” in violation of the New Jersey Constitution); *In re C.P.*, 967 N.E.2d 729, 750 (Ohio 2012) (holding that automatic tier III registration for serious youthful offenders “undercuts the rehabilitative purpose of Ohio’s juvenile system and eliminates the important role of the juvenile court’s discretion in the disposition of juvenile offenders and thus fails to meet the due process requirement of fundamental fairness”).

<sup>21</sup> See *Shapiro v. Thompson*, 394 U.S. 618, 629 (1969), *overruled in part on other grounds by Edelman v. Jordan*, 415 U.S. 651 (1974) (“The nature of our Federal Union and our constitutional concepts of personal liberty unite to require that all citizens be free to travel throughout the length and breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement.”).

<sup>22</sup> *In re J.B.*, 107 A. 3d 1 (2014).