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POSITION ON PROPOSED LEGISLATION

BILL: HB 12 - Juvenile Sex Offender Registry - Qualifying Offenses and Access

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: January 29, 2026

The Maryland Office of the Public Defender (MOPD) respectfully urges the Committee to issue an unfavorable report on House Bill 12. House Bill 12, resoundingly rejected last year as HB 952, is an extreme piece of legislation that would preclude children as young as 10 years old who commit certain sex offenses from ever attending in person school again, remove the 14 year-old minimum age requirement for inclusion on the nonpublic juvenile sex offender registry, require a juvenile to remain on the registry until 18 years of age even after the court terminates jurisdiction, would compromise the confidentiality of the registry, and add additional offenses that would require registration. MOPD strongly opposes HB 12 as it seeks to circumvent the jurisdiction of the court, unnecessarily expands the registry, and will cause significant harm to children.

During the 2024 legislative session, in House Bill 814, the legislature already took the extreme step of prohibiting children on the nonpublic juvenile sex offender registry from attending public schools in person. *See* Md. Code, Crim. Pro. § 11-722(c). House Bill 12 would compound this problem by adding additional offenses that would require permanent exclusion from school. It goes even further than HB 814 by impacting children as young as 10 years old and ensuring that a child is permanently banned until 18 years of age from attending school in person. This restriction on school attendance would apply even after a court has determined that a child is no longer in need of treatment, guidance or rehabilitation from the Department of Juvenile Services, and therefore terminated jurisdiction in the case. Thus, if passed, HB 12 would in all cases have the legislature usurp the court's authority and judgment, substituting its own, thereby undermining the purposes of the Maryland Juvenile Causes Act and nullifying the essential role the court plays in the individualized treatment and rehabilitation of children.

House Bill 12 is an extreme piece of legislation that expands the age restriction for the non-public registry from age 14 to children as young as 10 years old, which, coupled with the current restrictions, would preclude them from ever again attending in person school.

The juvenile non-public sex offender registry has since its inception been limited to offenses

committed by children age 14 and older. *See* Md. Code, Crim. Pro. § 11-704.1. In 2024, this body expanded juvenile jurisdiction to include almost all sexual offenses committed by a child as young as 10 years old. *See* Md. Code, Cts. & Jud. Proc., § 3-8A-03(a). By removing the age restriction for inclusion on the registry, HB 12 would expand it to include 10, 11, 12, and 13 year olds. This body also precluded any child on the non-public sex offender registry from attending in-person school. *See* Md. Code, Crim. Pro. § 11-722(c). Thus, under HB 12, a 10 year old who commits even a minor sexual offense could be precluded from ever attending in-person school again.

House Bill 12 is unnecessary because of Maryland’s reportable offense law.¹ Under Maryland’s current reportable offense law, schools are obligated to assess whether a child presents an ongoing, imminent threat of serious harm if they have a reportable offense charge which occurred in the community. If such a threat is identified, the child may be removed from their regular school program or a safety plan can be developed. School systems are also required to share information regarding reportable offenses with other jurisdictions should the student move. Along with this existing framework which provides for individualized safety assessments, as well as the current prohibition for children on the juvenile sex offender registry from attending school, HB 12 is unnecessary and overly broad.

House Bill 12 conflicts with extensive research regarding children who offend sexually.

Decades of peer reviewed research has shown the following to be true: (1) Youth who sexually offend are vastly different from adult sex offenders; (2) Sexual recidivism rates for youth who sexually offend are extremely low,² even without treatment;³ (3) Youth reported, adjudicated, or convicted for sexual crimes are highly responsive to proven treatments; and (4) Isolating these youth from typical educational and other prosocial settings is harmful to them, leads to more delinquent behavior, and does not improve community safety.⁴ Expanding the offenses that would require registration is misguided, contrary to decades of peer reviewed research, and must be rejected.

House Bill 12 decimates the distinction between the non-public juvenile registry and the adult registry by making a registry of children as young as 10 widely available with no requirements that this information remain confidential.

Under current law, the non-public juvenile sex offender registry is available only to law enforcement. House Bill 12 would make this information available to the schools with no requirement for confidentiality. By making these names available to the Superintendent or the Superintendent’s designee, HB 12 would essentially be making the non-public registry a public registry. Neither the Superintendent nor the superintendent’s designee, who could be anyone

¹ *See* Md. Code, Educ. § 7-303; COMAR 13A.08.01.17.

² Caldwell, M., *Quantifying the decline in juvenile sexual recidivism rates*, Psychology, Public Policy, and Law 22(4) (2016), at 414–426, <http://dx.doi.org/10.1037/law0000094>.

³ *See e.g.*, Letourneau, E. J., Bandyopadhyay, D., Armstrong, K. S., & Sinha, D. (2010). Do Sex Offender Registration and Notification Requirements Deter Juvenile Sex Crimes? *Criminal Justice and Behavior*, 37, 553-569.

⁴ *See* the written testimony of Prof. Elizabeth Letourneau, Johns Hopkins Bloomberg School of Public Health.

employed by the school, is required to keep this information confidential. Even if they were required to keep it confidential, this kind of sensitive information has a way of leaking out. Additionally, the Superintendent, designee, and anyone else they elect to inform, would have access not just to the names of youth on the registry who are enrolled in their district, but would have access to the names of all registered children, some as young as 10 years old, enrolled in school districts throughout the state. There is a high risk posed by HB 12 that the names of children on the non-public registry will become public. The bill proposes no measures to preclude this from occurring. This could result in severe reputational damage to the child that would be impossible to repair and could lead to dire consequences, including suicide.

House Bill 12 vastly expands the number of offenses that require registration for children as young as 10 years old to include 3rd degree sex offenses based solely on age difference and children as young as 13 who commit 4th degree sex offenses.

Current law does not subject children to registration for sexual contact based on age difference alone. *See* Md. Code, Crim. Pro. §11-704.1. Not all 3rd degree sex offenses are created equal. Existing law has sensibly noted the difference between the most serious 3rd degree sexual offenses, those involving the use of violence, threats of violence, or committed against helpless or incapacitated individuals, and those more commonly committed by children involving age difference alone. This is an important distinction made under current law that HB 12 carelessly disregards.

Sexual contact between children that is unlawful due to age difference alone often involves children who are not sufficiently supervised or do not understand appropriate boundaries. These situations are best handled through treatment and proven, highly effective sex offense therapy for children. They do not require a child as young as 10 to be placed on the juvenile registry and be barred from attending in person school until the age of 18 for behaviors like “playing doctor” with a younger sibling.

HB 12 also proposes to expand the registry to include 4th degree sex offenses, impacting children as young as 13. The only prong of 4th degree applicable to children involves unwanted touching of an intimate area. Squeezing someone’s behind over their clothes, inappropriate to be sure, should not result in a 13 year-old being precluded from attending in person school ever again.

House Bill 12 is based on a fundamental misunderstanding of the intense level of scrutiny that both the Department of Juvenile Services (DJS) and the courts engage in when determining necessary services, assessing safety, and eventually terminating jurisdiction.

With the court’s oversight, a child found involved in a sex offense is generally required to receive treatment either in an out-of-home placement or in the community. Additionally, for all children accused of a sex offense, the juvenile court is required to assess the public safety risks associated with keeping the child in the community, and courts have the authority to detain children who pose

a risk. There are multiple levels of court review and an objective assessment tool used during every stage of the process.⁵ In addition to these safeguards, the court is required to consider reasonable protections, such as a no contact order, for the safety of victims if a student is released pending adjudication. Md. Code, Cts. & Jud. Proc. § 3-8A-15(j). In effect, the court makes a determination about whether a student poses an “imminent threat” to a person or specific geographic location, including the neighborhood and school. The court does so with uniquely detailed information about the child and the case.

Ultimately, the court only closes a sex offense case and terminates its jurisdiction after having: (1) heard testimony from the victim or their representative at disposition, (2) closely monitored the child’s program of treatment and rehabilitation for at least a year and often for much longer, (3) heard multiple times from the parties while the case is open, (4) heard testimony from experts from the State and defense, and (5) considered testimony from or read written reports from the therapist providing sex offender treatment to the child. Thus, if a court with all of this information makes the decision that it is appropriate to terminate jurisdiction, knowing that the child will no longer be on the juvenile registry and can be safely in school, the child should generally be permitted to return to their regular school program. The reportable offense process provides an additional layer of review at the school level, but cannot and should not be seen as a substitute for the comprehensive supervision and evaluation of a juvenile court immersed in the facts of the case and the child’s program of treatment and rehabilitation.

House Bill 12 inappropriately usurps the authority of the juvenile court judge by keeping a child on the registry until age 18 for an offense committed when they were as young as 10, irrespective of whether the court has found that the child poses no threat and no longer requires being under the jurisdiction of the juvenile court.

The apparent purpose of HB 12 is to close some perceived “loophole” in the current system, which removes a child’s name from the juvenile registry when the juvenile court terminates its jurisdiction over the child. The proposal to require that a child remain on the non-public registry in all cases until the age of 18, even after a court terminates its jurisdiction over a child, doesn’t close a loophole. It usurps the judicial authority to exercise discretion based upon the facts before it. Courts are fully capable of making safety determinations. They do it every day in both adult criminal court and in juvenile court, where judicial discretion is especially essential when dealing with both community safety and the specialized rehabilitative needs of children.

⁵ See Maryland Department of Juvenile Services Data Resource Guide: Fiscal Year 2025, 31- 33, (Dec. 2025), https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2025.pdf (describing the various objective assessment tools used to evaluate risk and safety when determining whether a young person should be detained or not and what level of services they may need).

House Bill 12 also violates the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

MOPD, with our fellow advocates, have maintained that the provision that passed a couple of years ago in HB 814 which bans in-person school attendance for children on the juvenile registry violates federal disability law, including the IDEA and Section 504. We assert that dictating the placement of a student with disabilities through the Criminal Code runs afoul of the requirements of these federal laws, which require that the individualized placement decision of a student with a disability be determined by the IEP or 504 team and that the student receive a free appropriate public education in the least restrictive environment. Requiring students to receive education in a home setting—the most restrictive environment— or the other restrictive settings outlined in Md. Code, Crim. Pro. § 11-722(e)(2), directly conflicts with this federal requirement. House Bill 12 further limits any opportunity to comply with the federal law after a court terminates jurisdiction. By permanently tying the placement decision for a child with a disability to the juvenile registry, HB 12 would ensure further harm to children.

Communities are not made safer when children are left unsupervised at home which will occur under HB 12.

Removing students from school and leaving them isolated and unsupervised at home can exacerbate mental health challenges and hinder their emotional and social development. School provides essential structure and support, and depriving students of this environment can lead to lasting negative consequences. House Bill 12 will create significant economic strain on families, particularly low-income households. Requiring students to participate in virtual learning without the proper resources—such as reliable Wi-Fi or internet access—places an undue burden on families, forcing parents to miss work or make other financial sacrifices to accommodate their children’s education. Additionally, children removed from school would lose access to essential resources, such as free breakfast and lunch, exacerbating food insecurity for many families.

House Bill 12 denies children the number one protective factor in preventing youth from recidivism: education.

House Bill 12 is a misguided effort that would not ensure safety in our schools; yet would have an enduring detrimental impact on children. The virtual instruction used when children are excluded from in-person school based on a reportable offense or expelled from school is not regulated in Maryland to ensure quality instruction. While Maryland does have regulated “virtual schools,” which address curriculum and class time,⁶ “virtual” or “online” instruction is something else. Findings are still emerging regarding the detrimental impact virtual instruction during Covid-19 had

⁶ See Md. Code, Education, § 7-1402 and § 7-1404.

on children, including increased mental health issues,⁷ increased absenteeism,⁸ and lower academic achievement.⁹ Our clients who are placed in virtual programs report increased depression, feelings of isolation, inability to stay focused, and difficulty either navigating the platform or getting the instructional support they need. We have also represented clients who have been put in a virtual instruction program even without access to the internet. House Bill 12 will unnecessarily sentence children to years of harm long after their underlying case has closed, and their treatment has been completed. From our perspective, these students need more services not less.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB 12.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

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⁷ Maya Brownstein, *School reopening during COVID-19 pandemic associated with improvement in children's mental health*, Harvard School of Public Health (Dec. 8, 2025), <https://hsph.harvard.edu/news/school-reopening-during-covid-19-pandemic-associated-with-improvement-in-childrens-mental-health/>.

⁸ Tracy DeStazio, *Virtual learning detrimental to school attendance, especially in districts with higher poverty rates, study finds*, Notre Dame News (Sept. 4, 2024), <https://news.nd.edu/news/virtual-learning-detrimental-to-school-attendance-especially-in-districts-with-higher-poverty-rates-study-finds/>.

⁹ See MSDE, *Data and Research on the Impact of Virtual Learning* (June 22, 2021), <https://marylandpublicschools.org/stateboard/Documents/2021/0622/DataResearchImpactVirtualLearning.pdf>.