



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
SB0078

Juvenile Child Sex Offenders - Juvenile Sex Offender Registry and Prohibition on In-Person School Attendance

Bill Summary

This bill prohibits a child who has been convicted or adjudicated delinquent of rape or a sexual offense that, if committed by an adult, would constitute a felony from in-person attendance at a public school or a nonpublic school that receives State funds. The bill also (1) expands the sexual offenses for which an adult or juvenile must register as a sex offender and (2) adds felony third-degree sexual offenses to the definition of “reportable offense” in current law.

Racial Equity Impact Statement

Data from the Maryland State Department of Education (MSDE) shows that Black students are subjected to disciplinary action (out-of-school suspensions and expulsions) at disproportionate rates, including for sex offense infractions. However, limited arrest data from the Department of State Police (DSP) and MSDE suggests only a small number of juveniles/students are arrested for sex offenses as described in the bill. The bill’s addition of third-degree sex offenses to the list of reportable offenses could exacerbate the existing inequities in disciplinary action but the magnitude of that impact is likely minimal. The bill’s requirement that specified juvenile sex offenders be permanently prohibited from in-school attendance could negatively impact Black juveniles to the extent that they are disproportionately arrested and convicted/adjudicated for the disqualifying sex offenses in the bill, but data was not available to fully measure these impacts. No impact analysis was performed regarding the bill’s requirement that juveniles and individuals 18 or older register as a sex offender for the specified third-degree sex offense as demographic data for convictions and sex offender registrants was not readily available.

Analysis

The bill prohibits in-person attendance at State-funded schools by a juvenile convicted or adjudicated delinquent of a rape or a sexual offense that, if committed by an adult, would constitute a felony. The bill also (1) adds all third-degree sex offenses under § 3-307 of the Criminal Law Article to the list of reportable offenses to school administrators and (2) adds violations of § 3-307(a)(3) of the Criminal Law Article to the list of offenses requiring registration on the State and juvenile sex offender registry. A violation of Section 3-307(a)(3) of the Criminal Law Article is a third-degree sex offense and prohibits a person from engaging in sexual contact with another if the victim is under the age of 14 years, and the person performing the sexual contact is at least 4 years older than the victim.

Sex Offender Registry and In-person School Attendance

The State maintains a registry of juvenile sex offenders that is accessible only by law enforcement personnel for law enforcement purposes. A person must be included in the registry of juvenile sex offenders if (1) the person has been adjudicated delinquent for an act that, if committed by an adult, would constitute a violation of specified sexual offenses in the Criminal Law Article and (2) the person was a minor who was at least age 14 at the time the delinquent act was committed. When the juvenile court's jurisdiction over the juvenile registrant terminates, the juvenile registrant must be removed from the registry. The bill's provisions, however, would continue the prohibition on in-person school attendance after removal from the registry for all juveniles convicted or adjudicated delinquent of felony rape or a sexual offense.

Chapter 735 of 2024 generally prohibits individuals registered on the State and juvenile sex offender registries from knowingly entering onto real property that is used for public or nonpublic elementary or secondary education or on which is located certain child care homes or a licensed child care institution, as specified by law. State law provides individuals on the sex offender registries (adult and juvenile) alternative education programs as specified in statute and regulations. The bill also adds a registration requirement for adults and juveniles convicted or adjudicated of the sexual contact prohibitions regarding minor victims under age 14.

Reportable Offenses

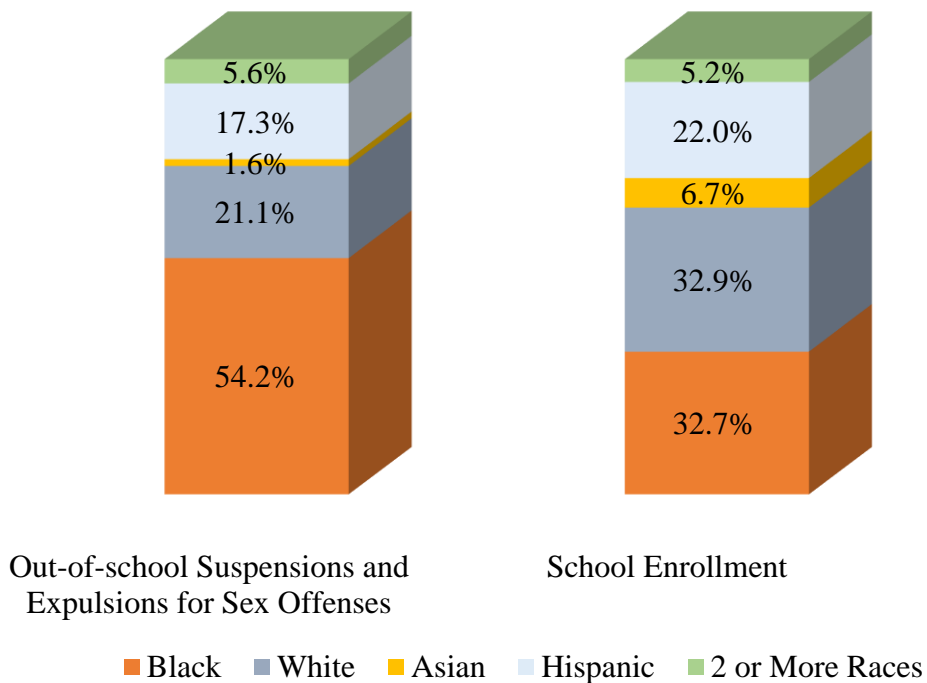
Under existing law, when a student is arrested for certain offenses, the law enforcement agency making the arrest must notify the student's local superintendent, the school principal, and for a school that has a school security officer, the school security officer of the arrest and the charges within 24 hours of the arrest, or as soon as practicable. The offenses that require this notification are known as "reportable offenses." Current law defines reportable offenses generally as those offenses that occur off school premises, did not occur at an event sponsored by the school, and are serious criminal offenses. Offenses include murder, arson, armed carjacking, rape, and first- and second-degree sexual offenses, among other serious offenses. Offenses that are related to the student's membership in a criminal organization must also be reported. The bill would add third-degree sex offenses to the list of reportable offenses.

Data from MSDE for the 2022-2023 school year show that Black students are disproportionately represented in out-of-school suspensions and expulsions generally, and specifically for sex offenses. The total number of in-school arrests for sex offenses, however, is relatively low at 20

arrests. The total number of arrests off school property for sex offenses during the 2023-2024 school year is similarly low at 22 arrests. DSP crime data for 2023 show 48 juvenile arrests for sex-related offenses, including forcible rape, statutory rape, and sexual assault. Demographic data for sex offense-related arrests was not available.

Exhibit 1 shows the racial and ethnic breakdown of out-of-school suspensions and expulsions for sex offenses during the 2022-2023 school year compared to the demographics of the overall school population during the same time period. The data shows that there were 1,223 suspensions and/or expulsions for sex offenses, which include sexual attack, sexual harassment, and sexual activity. Black students comprised 33% of the overall school enrollment but accounted for 54% of suspensions and expulsions for sex offenses and 58% of all suspensions and expulsions. Black students were 2.5 times more likely than white students to be disciplined for this category of offenses during the time period. The data does not specify the number of expulsions or suspensions for third degree sex offenses as defined in State law.

Exhibit 1
Out-of-School Suspensions and Expulsions
for Sex Offenses Compared to School Enrollment
2022-2023 School Year



Source: Maryland State Department of Education

Conclusion

It is unclear to what extent the bill's provisions prohibiting juveniles convicted or adjudicated of felony sex offenses from returning to the classroom permanently may have on various demographic groups without more detailed data on those charged, arrested, and convicted or adjudicated for these offenses. There is some evidence that Black juveniles may be disparately impacted based on existing arrest and school discipline rates. Black students accounted for 56% of all school arrests during the 2022-2023 school year despite comprising only 33% of school enrollment. Whether this general disparity holds true for convictions/adjudications involving the sex offenses covered by the bill cannot be determined with the data available.

The bill's provisions adding third-degree sex offenses as reportable offenses may exacerbate existing disparities in school disciplinary actions, impacting Black students who are 2.5 times more likely than white students to be suspended or expelled for sex offense-related violations. The magnitude of the impact cannot be measured without additional data, but the limited overall data available on juvenile arrests for sex offenses suggests the impact may be minimal. Exact impacts would require more longitudinal data on convictions and/or adjudications for the specific offenses in the bill.

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

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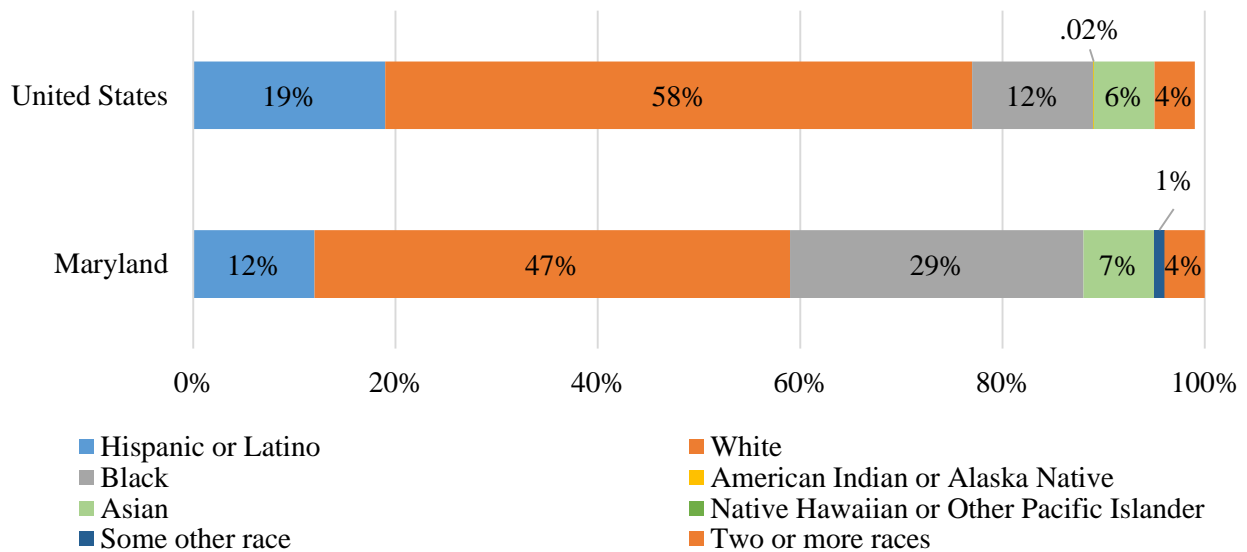
Appendix – Maryland Demographics

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.