

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1031 (Senator Attar)
Judicial Proceedings

Criminal Law - Child's Access to Firearms - Penalty (Ny'Kala Strawder Act)

This bill establishes an incarceration penalty for a person storing or leaving a loaded firearm in a location where the person knew or should have known that an unsupervised minor has access to the firearm. The bill alters the penalty from a maximum fine of \$1,000 to imprisonment for up to five years and/or a maximum fine of \$1,000.

Fiscal Summary

State Effect: Potential minimal increase in general fund incarceration expenditures due to the bill's alteration of penalty provisions. Otherwise, the bill is not expected to materially affect State finances or operations.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's alteration of penalty provisions.

Small Business Effect: None.

Analysis

Current Law:

Access to a Firearm by a Minor

A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised minor has access to the firearm. A violator is guilty of a misdemeanor and subject to a maximum fine of \$1,000.

The prohibition does not apply if:

- the minor’s access to a firearm is supervised by an individual at least 18 years old;
- the minor’s access to a firearm was obtained as a result of an unlawful entry;
- the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or
- the minor has a certificate of firearm and hunter safety issued under applicable provisions of the Natural Resources Article.

A violation may not (1) be considered evidence of negligence; (2) be considered evidence of contributory negligence; (3) limit liability of a party or an insurer; or (4) diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition. A party, witness, or lawyer may not refer to a violation during a trial of a civil action that involves property damage, personal injury, or death.

Prohibition on Possession – Regulated Firearms

A person may not possess a regulated firearm if the person (1) has been convicted on or after October 1, 2023, of a second or subsequent violation of § 4-104 of the Criminal Law Article (access to a firearm by a minor) or (2) has been convicted on or after October 1, 2023, of a violation of § 4-104 if the violation resulted in the use of a loaded firearm by a minor causing death or serious bodily injury to the minor or another person. In addition, a person who has been convicted on or after October 1, 2023, of a violation of § 4-104 may not possess a regulated firearm for five years following the date of the conviction.

Additional Comments: According to the Judiciary, there were 79 filings and 1 conviction in the District Court for violations of § 4-104 of the Criminal Law Article during fiscal 2024.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

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