



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB656  
-Criminal Law-Failure to Properly Store Firearm- Death of Another –**

**Before the Judicial Proceedings Committee On  
February 21, 2023**

**Chair Smith, Vice-Chair Waldstreicher, and Members of the Committee:**

**SB656 would increase the penalty for an adult that legally possesses a firearm, and who fails to properly secure or leaves a loaded firearm in a location where the person knew or should have known that a child for whom they have custodial authority, or certain other incompetent persons, could gain access to the firearm, where the child or other specified person uses the firearm and causes the death of another. You've heard earlier this session, as well as in the news last summer of a 9 year old that gained access to a firearm and shot and killed 15 year old NyKayla Strawder. Earlier this month, prosecutors charged the irresponsible gun owner who allowed access to the lethal weapon with reckless endangerment and two counts of failure to secure a firearm. Under current law, the latter charge brings a maximum penalty of onethousand dollars and no jail time. While no punishment will bring NyKayla back, such a measly fee is essentially an affront to the lifetime of suffering that her family is now left with.**

**Some may recall viewing on television last month a video depicting a four (4) month old toddler wearing only a diaper waving a handgun in an apartment hallway trying to pull the trigger, putting the gun under his chin, playing with the gun, and pointing the gun at a neighbor coming up the steps and stating, "look what I have."**

**Or, perhaps you may have heard about the six (6) year old child in Virginia who brought a gun to school and shot his teacher and**

**endangered the lives of children, faculty, and other employees at the elementary school, as well as the individuals he encountered on his way to school.**

**There are countless other cases and situations in which children have had access to guns owned by their parents due to the failure of their parents'/guardians' to properly unload, lock and store the guns, and otherwise prevent their children from gaining access to these dangerous weapons. Some of which, resulted in the death of others, suicide or serious bodily injury.**

**I submit to you that in each of the aforementioned instances, there is an adult whose failure to prevent the child from gaining access to the gun, is at fault.**

**According to research conducted by the Everytown Support Fund, there are at least 2,700 unintentional shootings by children that resulted in 765 deaths and 1,366 non-fatal gun injuries. The same study revealed that in 2020 alone, at least 125 toddlers and children ages five (5) and under shot themselves or someone else, and that from March to December 2020, unintended shooting deaths by children went up more than thirty percent (30%) compared to the same time period in 2019.**

**The American Academy of Pediatrics (AAP) found that children and adolescents are at an increased risk for suicide when there is a gun in the home. Suicide rates are four (4) times higher than for children who live in homes without guns. In the past decade, forty percent (40%) of suicides committed by children and teens involved guns. Nine (9) out of ten (10) of these suicides were with guns that the victims accessed at their own homes or from a relative's home. APP also found that the risk of homicide is three (3) times higher when there are guns in the home.**

**Further, in the May 2018 Journal of Urban Health, it was reported that as many of 4.6 million children live in a home where at least one (1) gun is kept loaded and unlocked. Also, according to a 2018 Johns Hopkins survey, more than half of gun owners do not safely store their guns in a locked gun safe, cabinet or case, locked into a gun rack, or stored with a trigger lock or other lock. Also, a study by Nationwide Children's Hospital revealed that many parents believe that hiding their guns will prevent children from accessing them. However, seventy-five percent**

**(75%) of children who live in homes with guns know where they are supposedly hidden.**

**Maryland's existing law, Md. Crim Law Code §4-404, provides that a person who does not store or leaves a firearm in a location where the person knew or should have known that that an unsupervised child would gain access to the firearm is only guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00. Current Maryland law essentially provides no penalty; but instead, operates only as a suggestion. The current law is insufficient to incentivize adults to properly store their guns and otherwise prevent children from gaining access to them. More teeth are needed to prevent future easily preventable disasters. According to the Baltimore Sun, more than seven (7) people in Maryland were either injured or killed by a minor accessing an improperly stored firearm since 2020.**

**SB656 would amend Md. Crim Law Code §4-404, by increasing the penalty for adults who fail to properly store their guns to prevent access to children, and the child uses the gun and causes the death of another. Instead of a misdemeanor punishable by only by a fine not exceeding \$1,000.00, the penalty would be a felony punishable by imprisonment not exceeding ten (10) years and/or a fine not exceeding \$10,000.**

**By enacting SB656, Maryland would join Massachusetts and California that allow for jail time for adults who fail to properly store their guns to prevent access to children that results in death. The threat of prosecution is a small price to pay to save a child's or adult's life.**

**For these reasons, I respectfully request a favorable report on Senate Bill 656.**

**Sincerely,**



**Jill P. Carter, Esq.**