

Please find **UNFAVORABLE** SENATE BILL 362
Criminal Law – Child’s Access to Firearms – Penalty
(Ny’Kala Strawder Act)

Senate Bill 362 is not a prevention bill but rather, a punishment bill.

Maryland law already makes it illegal to leave a loaded firearm accessible to an unsupervised minor. SB 362 does not prevent accidents, improve education, or introduce new safety measures. Instead, it dramatically increases criminal penalties after an incident has already occurred.

Escalating prison sentences does nothing to stop accidents or misuse. It does not teach safe storage, does not provide resources to families, and does not address the real-world circumstances that lead to tragic outcomes. It simply criminalizes parents or lawful firearm owners after the fact, often in moments already marked by loss and trauma.

The bill’s use of a vague “knew or should have known” standard creates serious due process concerns. It exposes law-abiding citizens to severe criminal penalties based on hindsight judgments rather than intentional wrongdoing. A five-year prison sentence for a storage violation is grossly disproportionate and inconsistent with evidence-based public safety policy.

The penalty of up to five years in prison for a negligence-based storage offense places it on par with crimes involving recklessness or intentional harm. Under Maryland law, comparable or lesser penalties apply to negligent driving causing injury, purposeful DUI offenses, and other child safety violations through purposeful neglect. This level of punishment is grossly disproportionate to the absence of criminal intent and does nothing to prevent accidents. It transforms tragic situations into malicious prosecutions rather than advancing evidence-based safety policy.

If the General Assembly’s goal is to protect children, the focus should be on education, outreach, and practical safety measures—not punitive escalation that neither deters accidents nor improves outcomes.

SB 362 risks turning tragedy into malicious prosecution without making Maryland safer. For these reasons, I respectfully urge an **unfavorable** report on Senate Bill 362.



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