



**SENATE BILL 0362**  
**Criminal Law - Child's Access to Firearms – Penalty**  
**(Ny’Kala Strawder Act)**  
**UNFAVORABLE**

We support any practical means to encourage the safe storage of firearms. However, the proposed penalty of up to 5 years will do nothing to promote firearm safety. Should the government prosecutor deem it necessary to invoke a more stringent penalty, existing statutes on reckless endangerment and minor’s access to firearms are applicable and should be utilized when appropriate.

April Gaskins, whose 9-year-old grandson shot and killed Ny’Kala Strawder, faced 5 years in prison for reckless endangerment and firearm access by a minor. This clearly demonstrates that the existing statutes and penalty provisions are sufficient. (Attachment #1 Criminal Law §3-204 & Criminal Law §4-104).

If there is a problem, it lies with our judicial system. Maryland Judiciary Case Search (Attachment #2) indicates that after being found guilty, despite pleading not guilty, Ms. Gaskins received less than the maximum sentence. Senate Bill 362 does nothing to address this eventuality.

Senate Bill 0362 is a symbolic statement only; it will not bring Ny’Kala back to life. Nor will its provisions do anything other existing statutes cannot do. According to the Fiscal Note (Attachment #3), in offenses for which charges were placed, only 3% resulted in a conviction. It short, SB 0362 another gun bill, simply for the sake of a gun bill.

We request an unfavorable report on Senate Bill 0362.

Respectfully,

John H. Josselyn  
2A Maryland

Attachments: Attachment #1: Criminal Law §3-204 & Criminal Law §4-104  
Attachment #2: Judiciary Case Search Record  
Attachment #3: Fiscal Note

## Article - Criminal Law

[\[Previous\]](#)[\[Next\]](#)

§3-204.

(a) A person may not recklessly:

(1) engage in conduct that creates a substantial risk of death or serious physical injury to another; or

(2) discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another.

(b) A person who violates this section is guilty of the misdemeanor of reckless endangerment and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(c) (1) Subsection (a)(1) of this section does not apply to conduct involving:

(i) the use of a motor vehicle, as defined in § 11-135 of the Transportation Article; or

(ii) the manufacture, production, or sale of a product or commodity.

(2) Subsection (a)(2) of this section does not apply to:

(i) a law enforcement officer or security guard in the performance of an official duty; or

(ii) an individual acting in defense of a crime of violence as defined in § 5-101 of the Public Safety Article.

[\[Previous\]](#)[\[Next\]](#)

## Article - Criminal Law

[\[Previous\]](#)[\[Next\]](#)

### §4-104.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Ammunition” means a cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.
- (3) (i) “Firearm” means a handgun, rifle, shotgun, short-barreled rifle, or short-barreled shotgun, as those terms are defined in § 4-201 of this title, or any other firearm.
- (ii) “Firearm” does not include an antique firearm as defined in § 4-201 of this title.
- (b) This section does not apply if:
- (1) the minor’s access to a firearm is supervised by an individual at least 18 years old;
- (2) the minor’s access to a firearm was obtained as a result of an unlawful entry;
- (3) the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or
- (4) the minor has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article.
- (c) 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.
- (d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.
- (e) (1) A violation of this section may not:
- (i) be considered evidence of negligence;
- (ii) be considered evidence of contributory negligence;

(iii) limit liability of a party or an insurer; or

(iv) diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition.

(2) A party, witness, or lawyer may not refer to a violation of this section during a trial of a civil action that involves property damage, personal injury, or death.

[\[Previous\]](#)[\[Next\]](#)

# Maryland Judiciary Case Search

NOTICE: Case Search will be down for maintenance from 02/13/2026 at 5:30 PM thru 02/16/2026 at 8:30 PM.

## Case Detail

---

### Case Information

Court System: **Circuit Court For Baltimore City - Criminal**  
Location: **Baltimore City Circuit Court**  
Case Number: **122326012**  
Title: **STATE OF MARYLAND VS APRIL GASKINS**  
Case Type: **Criminal Indictment**  
Filing Date: **11/22/2022**  
Case Status: **Reopened**  
Tracking Number(s): **197024006745**

---

### Other Reference Numbers

Tracking Number:: **197024006745**  
Case Appealed: **ACM-REG-1420-2023**

---

### Defendant Information

#### Defendant

Name: **GASKINS, APRIL**  
Race: **Unavailable** Sex: **Female** Height: **0'0"** Weight: **0**  
HairColor: **EyeColor:**  
DOB: **04/06/1968**  
Address: **146 SEIGWERT LANE**  
City: **BALTIMORE** State: **MD** Zip Code: **21229**

#### Attorney(s) for the Defendant

Name: **MEAD, BRANDON ROBERT**  
Appearance Date: **02/10/2023**  
Address Line 1: **1 N. CHARLES STREET, STE 2470**  
City: **BALTIMORE** State: **MD** Zip Code: **21201-0000**

Name: **DOLLAR, LAUREN ILENE**  
Appearance Date: **02/14/2025**  
Address Line 1: **Office of the Public Defender**  
Address Line 2: **Appellate Division**

Address Line 3: **6 Saint Paul Street, Suite 1400**  
City: **Baltimore** State: **MD** Zip Code: **21202**

## Involved Parties Information

### Plaintiff

Name: **State of Maryland**

### Attorney(s) for the Plaintiff

Name: **BRADY, JENNIFER**  
Appearance Date: **11/22/2022**  
Address Line 1: **120 E BALTIMORE ST #954**  
City: **BALTIMORE** State: **MD** Zip Code: **21202**

### Police Officer

Name: **DIGGS, SHARON**  
AgencyName: **Not Defined**

## Court Scheduling Information

Event Type	Event Date	Event Time	Judge	Court Location	Court Room	Result
Hearing - Initial Appearance	03/21/2023	12:00:00	Trial Set, No Hearing	Baltimore City Circuit Court Conversion Calendar		Cancelled / Vacated
Jury Trial	03/21/2023	09:00:00	Phinn, Melissa M.	Baltimore City Circuit Court Conversion Calendar		Other - Actions Specified in Events
Zoom Remote Hearing	05/23/2023	09:00:00	Phinn, Melissa M.	Baltimore City Circuit Court Conversion Calendar		Specially Set
Jury Trial	05/23/2023	09:00:00	Phinn, Melissa M.	Baltimore City Circuit Court Conversion Calendar		Continued
Jury Trial	05/24/2023	09:30:00	Phinn, Melissa M.	Baltimore City Circuit Court Conversion Calendar		Transferred
Jury Trial	05/24/2023	09:30:00	Bryant, Yvette M.	Baltimore City Circuit Court		Transferred

SB 0362 - Attachment #2 - 2A Maryland Testimony

Jury Trial	05/24/2023	09:00:00	Phinn, Melissa M.	Conversion Calendar Baltimore City Circuit Court Conversion Calendar			Continued
Jury Trial	07/18/2023	09:30:00	Williams, Barry G.	Baltimore City Circuit Court Conversion Calendar			Sub-Curia
Hearing on Motion	09/12/2023	09:30:00	Williams, Barry G.	Baltimore City Circuit Court Conversion Calendar			CancelledReason: Cancelled/Vacated
Disposition Hearing	09/14/2023	09:30:00	Williams, Barry G.	Baltimore City Circuit Court Conversion Calendar			Judgment
Hearing - Sentence Modification/ Reconsideration	01/22/2026	09:30:00	Williams, Barry G.	Collateral Calendar	Room 528C		Reset
Hearing - Violation of Probation	04/20/2026	09:30:00	Williams, Barry G.	Collateral Calendar	Room 528C		

## Charge and Disposition Information

Charge No: **1** CJIS Code: **1-1425** Statute Code: **CR.3.204.(a)(1)**

Charge Description: **RECKLESS ENDANGERMENT** Charge Class: **Misdemeanor**

### Probable Cause:

Offense Date From: **08/06/2022** To:

Agency Name: **Officer ID:**

### Disposition

Plea: **Not Guilty** Plea Date: **07/18/2023**

Disposition: **Sentenced - Guilty** Disposition Date: **09/14/2023**

### Sentence

Judge: **Williams, Barry G.**

### Jail

Life: **false**

Death: **false**

Start Date: **09/13/2023**

Jail Term: Yrs: **3** Mos: **0** Days: **0** Hours: **0**

Charge No: **3** CJIS Code: **ConvertedCode** Statute Code: **000000**

Charge Description: **LOADED FIREARM/MINOR** Charge Class: **Converted Degree**

### Probable Cause:

Offense Date From: **08/06/2022** To:

Agency Name: **Officer ID:**

### Disposition

Plea: **Not Guilty** Plea Date: **07/18/2023**

Disposition: **Sentenced - Guilty** Disposition Date: **09/14/2023**

### Sentence

Judge: **Williams, Barry G.**

### Jail

Life: **false**

Death: **false**

Start Date:

Jail Term: Yrs: **1** Mos: **0** Days: **0** Hours: **0**

---

## Warrants Information

Type	Issue	Judge	Last Status	Status Date
Arrest Warrant	11/22/2022	SCHIFFER, JENNIFER BRIDGET	Warrant Served	02/01/2023

---

## Document Information

File Date: **11/22/2022**

Document Name: **Case Initiation**

---

File Date: **11/22/2022**

Document Name: **Warrant Issued**

---

File Date: **11/23/2022**

Document Name: **Case is TBA Restricted or No Longer TBA Restricted**

---

File Date: **02/01/2023**

Document Name: **Warrant Served**

---

File Date: **02/02/2023**

Document Name: **Case is TBA Restricted or No Longer TBA Restricted**

---

File Date: **02/06/2023**

Document Name: **Public Defender Eligible**

---

File Date: **02/10/2023**

Document Name: **Motion / Request - For Speedy Trial**

---

File Date: **02/10/2023**

Document Name: **Motion to Produce Documents**

---

File Date: **02/10/2023**

Document Name: **Motion / Request / Demand for Discovery and Inspection**

---

File Date: **02/10/2023**  
Document Name: **Motion to Suppress Pursuant to MD 4-252 and 4-253**

---

File Date: **02/10/2023**  
Document Name: **Motion for Grand Jury Testimony**

---

File Date: **02/10/2023**  
Document Name: **Demand / Request for Presence of Chemist/Analyst**

---

File Date: **02/10/2023**  
Document Name: **Defense Attorney Appearance Filed**

---

File Date: **03/21/2023**  
Document Name: **DCM Track**

---

File Date: **09/14/2023**  
Document Name: **Case Closed**

---

File Date: **09/14/2023**  
Document Name: **Commitment Record Issued**

---

File Date: **09/19/2023**  
Document Name: **Appeal to Appellate Court of Maryland**

---

File Date: **01/10/2025**  
Document Name: **Unreported Opinion from ACM**

---

File Date: **02/11/2025**  
Document Name: **Mandate & Statement of Costs**

---

File Date: **02/13/2025**  
Document Name: **Defense Attorney Appearance Filed**

---

File Date: **02/21/2025**  
Document Name: **Docket Entry**

---

File Date: **08/08/2025**  
Document Name: **Motion / Request for Hearing on Modification of Sentence**

---

File Date: **11/07/2025**  
Document Name: **Hearing or Trial Scheduled**

---

File Date: **11/07/2025**  
Document Name: **Reopen**

---

File Date: **01/22/2026**  
Document Name: **Hearing Sheet**

---

File Date: **01/22/2026**  
Document Name: **Summons Served**

---

File Date: **01/23/2026**  
Document Name: **Hearing or Trial Scheduled**

---

*This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland Rules, or because of the practical difficulties inherent in reducing a case record into an electronic format.*

Copyright © 2026. Maryland Judiciary. All rights reserved.  
Service Desk: (410) 260-1114

SB 0362 - Attachment #2 - 2A Maryland Testimony

# Maryland Judiciary Case Search

**NOTICE: Case Search will be down for maintenance from 02/13/2026 at 5:30 PM thru 02/16/2026 at 8:30 PM.**

## Case Detail

---

### Case Information

Court System: **Appellate Court of Maryland**  
Case Number: **ACM-REG-1420-2023**  
Title: **April Gaskins v. State of Maryland**  
Case Type: **Appeal of Criminal Case**  
Filing Date: **09/19/2023**  
Case Status: **Closed**  
Authoring Judge:  
Tracking Number(s):

---

### Other Reference Numbers

Circuit Court Case Number:: **122326012**  
Case Appealed: **122326012**

---

### Involved Parties Information

#### Appellant

Name: **Gaskins, April**  
Address: **#494-917**  
**Baltimore Central Booking & Intake**  
City: **Baltimore** State: **MD** Zip Code: **21202**

#### Attorney(s) for the Appellant

Name: **ZAVIN, BRIAN LOUIS**  
Appearance Date: **10/11/2023**  
Address Line 1: **Office Of The Public Defender Appellate Division**  
Address Line 2: **6 Saint Paul Street**  
Address Line 3: **Suite 1302**  
City: **Baltimore** State: **MD** Zip Code: **21202-1608**

Name: **DOLLAR, LAUREN ILENE**  
Appearance Date: **02/20/2024**  
Address Line 1: **Office of the Public Defender**  
Address Line 2: **Appellate Division**

Address Line 3: **6 Saint Paul Street, Suite 1400**  
City: **Baltimore** State: **MD** Zip Code: **21202**

---

## Appellee

Name: **State of Maryland**

## Attorney(s) for the Appellee

Name: **JAWOR, DANIEL**  
Appearance Date: **09/22/2023**  
Address Line 1: **Office of the Attorney General**  
Address Line 2: **Criminal Appeals Division**  
Address Line 3: **200 Saint Paul Place, 17th Floor**  
City: **Baltimore** State: **MD** Zip Code: **21202**

Name: **BROWN, ANTHONY GREGORY**  
Appearance Date: **09/22/2023**  
Address Line 1: **Attorney General of Maryland**  
Address Line 2: **200 St Paul Place**  
Address Line 3: **17th Floor**  
City: **Baltimore** State: **MD** Zip Code: **21202**

---

## Clerk of the Lower Court

Name: **Conaway, Xavier A**  
Address: **Clerk of the Circuit Court for Baltimore City**  
**Courthouse East**  
City: **BALTIMORE** State: **MD** Zip Code: **21202**

---

## Judgment Information

Judgment Event Type: **Affirmed**  
Issue Date: **01/10/2025**  
Comment: **Judgments of the Circuit Court for Baltimore City affirmed; costs to be paid by appellant.**

---

## Court Scheduling Information

Event Type: **Session Month**  
Event Date: **11/2024**  
Result: **CancelledReason: Scheduled for Argument**

---

Event Type: **Submitted on Brief**

## Document Information

File Date: **09/19/2023**  
Document Name: **Notice of Appeal - Criminal**

---

File Date: **09/22/2023**  
Document Name: **Correspondence**

---

File Date: **10/11/2023**  
Document Name: **Entry of Appearance**

---

File Date: **10/18/2023**  
Document Name: **Motion to Extend Time to Transmit Record**

---

File Date: **10/23/2023**  
Document Name: **Order - Extension to Transmit Record**

---

File Date: **12/12/2023**  
Document Name: **Record Received**

---

File Date: **12/13/2023**  
Document Name: **Briefing Notice**

---

File Date: **02/20/2024**  
Document Name: **Entry of Appearance**

---

File Date: **02/20/2024**  
Document Name: **Stipulation**

---

File Date: **03/21/2024**  
Document Name: **Appellant Brief**

---

File Date: **03/21/2024**  
Document Name: **Appendix**

---

File Date: **03/22/2024**  
Document Name: **Line**

---

File Date: **04/05/2024**

Document Name: **Stipulation**

---

File Date: **05/20/2024**

Document Name: **Appellee Brief**

---

File Date: **06/10/2024**

Document Name: **Stipulation**

---

File Date: **06/18/2024**

Document Name: **Reply Brief**

---

File Date: **06/20/2024**

Document Name: **Scheduling Notice**

---

File Date: **01/10/2025**

Document Name: **Opinion - Unreported**

---

File Date: **02/11/2025**

Document Name: **Mandate**

---

File Date: **04/23/2025**

Document Name: **Record Returned**

---

*This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland Rules, or because of the practical difficulties inherent in reducing a case record into an electronic format.*

Copyright © 2026. Maryland Judiciary. All rights reserved.

Service Desk: (410) 260-1114

SB 0362 - Attachment #2 - 2A Maryland Testimony

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 362 (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.

#### *Permit to Wear, Carry, or Transport a Handgun*

The Secretary of State Police may not issue a permit to wear, carry, or transport a handgun to a person 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, the Secretary may not issue a permit to a person who has been convicted on or after October 1, 2023, of a violation of § 4-104 for five years following the date of the conviction.

#### *Youth Suicide Prevention and Firearm Safe Storage Guide*

Chapter 622 of 2023 required the Deputy Secretary for Public Health Services to develop a [youth suicide prevention and firearm safe storage guide](#). The Maryland Department of

Health (MDH) must post the guide on its website and make an electronic version of the guide available to families, health and social services providers, and other interested entities, as specified. MDH must provide grants to local school systems, local health departments, and nonprofit agencies to support the education of families on the safe storage practices recommended in the guide.

**Additional Comments:** According to the Judiciary, there were 51 filings and one conviction in the District Court and 39 filings and two convictions in the circuit courts for violations of § 4-104 of the Criminal Law Article (access to a firearm by a minor) during fiscal 2025.

---

### Additional Information

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See SB 1031 of 2025.

**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; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2026  
me/aad

---

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510