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## POSITION ON PROPOSED LEGISLATION

**BILL: Senate Bill 362 - Criminal Law - Child's Access to Firearms - Penalty (Ny'Kala Strawder Act)**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: February 11, 2026**

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The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 362.

Senate Bill 362 makes a violation of Criminal Law § 4-104, which criminalizes leaving or storing a loaded firearm in a location where a person knew or should have known that an unsupervised minor has access to the firearm, subject to 5 years' imprisonment. Currently, a violation of this law is subject to a fine up to \$1,000.

Safe firearm storage is incredibly important, but non-carceral alternatives are more effective. Public education campaigns on safe firearm storage or tax credits or subsidies for gun safes and locking devices would both be more effective *preventative* measures that the Maryland General Assembly could take. Education for firearm owners about safe storage practices and broader access to gun safes or locking devices are measures that will prevent any harm this bill currently seeks to penalize by imprisonment.

**Moreover, there are existing statutes with penalties that will apply in the instance of a child being harmed.** Specifically, prosecutors may charge reckless endangerment, Crim. Law § 3-204, child abuse, Crim. Law § 3-601, or manslaughter, Crim. Law § 2-207, depending on the circumstances and outcome. These statutes carry substantial penalties and address the harm this bill aims to address. Finally, Senate Bill 362 seeks to permit imprisonment due to a negligence-based offense that lacks defined storage standards and does not require proof of substantial risk or injury.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 362.**

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**