

CFH FAV SB362 Criminal Law - Child's Access to Fir

Uploaded by: Adam Rosenberg

Position: FAV



Date: February 11, 2026

To: Senate Judicial Proceedings Committee

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

Position: Favorable

Dear Chair Smith and Committee Members,

Thank you for the opportunity to provide testimony in support of Senate Bill 362, which aims to strengthen Maryland's existing Child Access Prevention (CAP) law by increasing accountability for negligent storage of loaded firearms that are accessible to minors. Firearm-related injuries and deaths remain a critical public health issue affecting Maryland's children and adolescents. According to the latest state gun violence data, firearms were the *leading cause of death among young people ages 1–17* in Maryland, with 45 youth firearm deaths reported in 2023 alone. State health department sources confirm that firearms contribute substantially to both unintentional and intentional injuries and deaths among youth, including *firearm suicide and homicide*, and that firearms account for a significant portion of emergency department visits for injury related to violence.

National research and injury prevention data consistently show that unsupervised access to loaded firearms in the home dramatically increases the risk of fatal and nonfatal shootings among children and teens, including *accidental shootings, suicides, and homicides*. Moreover, studies indicate that many adolescents report knowing where unsecured household firearms are kept — even when parents believe otherwise — underscoring the gap between perception and actual storage security.

A growing body of peer-reviewed research confirms that CAP and safe storage laws that impose criminal liability on negligent firearm storage are associated with meaningful reductions in youth firearm suicide and unintentional injury. For example, states with such laws that require firearms to be stored unloaded and locked saw reductions in youth firearm suicide rates and other firearm injuries. Policies that make adults accountable for securing firearms are effective *public health tools* because they encourage safe storage practices and reduce access for at-risk youth.

While Maryland's current law prohibits knowingly storing a loaded firearm accessible to an unsupervised minor, SB 362 will strengthen enforcement by increasing the statutory penalties for violations. Increasing accountability benefits public health by:

- Reinforcing the seriousness of safe firearm storage in households where children live or visit;
- Providing clearer deterrence and prosecutorial authority to address negligent storage before a tragedy occurs;
- Aligning Maryland's statute with evidence-based injury prevention strategies shown to reduce youth firearm deaths and injuries.

Complementing this statute with continued public education on safe storage — such as secure locking devices, locked safes, and separate storage of ammunition — will further enhance its protective impact. For Maryland's children and families, strengthened CAP provisions are not just good policy — they are a necessary public health intervention. For these reasons, the Center for Hope and LifeBridge Health urges a favorable report on SB 362.

Adam Rosenberg, Esq.

Executive Director, Center for Hope

Vice President, Violence Intervention & Prevention, LifeBridge Health

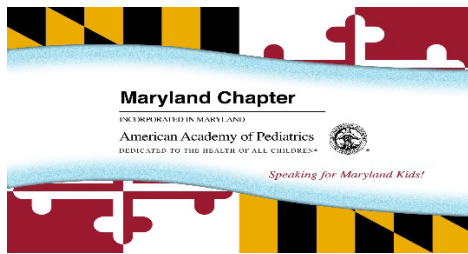
arosenberg@lifebridgedhealth.org

Phone: 410-469-4654

SB0362_FAV_MDAAP_Criminal Law - Child's Access to

Uploaded by: Christine Krone

Position: FAV



Senate Judicial Proceedings Committee

February 11, 2026

Senate Bill 362 – *Criminal Law – Child’s Access to Firearms – Penalty (Ny’Kala Strawder Act)*

POSITION: SUPPORT

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of **support** for Senate Bill 362.

Senate Bill 362 strengthens penalties for the unsafe storage of firearms when a minor can access them. Under current law, it is illegal to store or leave a loaded firearm in a place where an unsupervised minor could potentially gain access. This bill increases the penalty for violations from a maximum \$1,000 fine to up to five years of imprisonment, a \$1,000 fine, or both. Exceptions remain for cases where a minor’s access is supervised by an adult, the firearm was obtained through unlawful entry, or the firearm is in the possession of law enforcement during official duties.

MDAAP views firearm safety as a critical public health issue under its Pediatric Injury Prevention Strategy. A 2024 Johns Hopkins report found that, for the third consecutive year, firearms were the leading cause of death among children, surpassing disease and car accidents. Unsafe gun storage dramatically increases the risks of accidental shootings, youth suicides, and gun violence. By increasing penalties for improper firearm storage, this bill holds adults accountable, encourages responsible gun ownership, and helps protect children from preventable harm. The integration of this policy would greatly benefit both public health and the safety of Maryland’s children. For these reasons, MDAAP urges a favorable vote.

For more information call:

Christine K. Krone
J. Steven Wise
Danna L. Kauffman
410-244-7000

SB 362 - Senator Attar's Testimony Nykala.pdf

Uploaded by: Dalya Attar

Position: FAV

DALYA ATTAR
Legislative District 41
Baltimore City

Education, Energy, and the
Environment Committee
Education Subcommittee



James Senate Office Building
11 Bladen Street, Room 122
Annapolis, Maryland 21401
410-841-3697
800-492-7122 Ext. 3697
Dalya.Attar@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Senator Attar's Testimony in Support of Senate Bill 362 - Criminal Law - Child's Access to Firearms – Penalty (Ny'kala Strawder Act)

February 11, 2026

Chair Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee,

Thank you for your consideration of Senate Bill 362 - *Criminal Law – Child's Access to Firearms – Penalty*, also known as the Ny'kala Strawder Act. This bill seeks to address a critical issue in our community by strengthening penalties for individuals who fail to properly secure firearms, preventing minors from gaining unsupervised access. This legislation is named in memory of Ny'kala Strawder, a 15-year-old who tragically lost her life a few years ago due to a firearm that was left unsecured. In the wake of recent tragic incidents, this bill aims to improve public safety by ensuring that those who negligently leave firearms accessible to children are held accountable.

Currently, Maryland law allows only a fine as a penalty for individuals who store or leave a loaded firearm in a location where a minor could access it without supervision. However, this penalty has proven insufficient, especially given the catastrophic consequences of such negligence. Tragically, incidents like the accidental death of Nykayla Strawder and the death of a 9-year-old in my district highlight the urgency of addressing this issue more effectively. These tragedies are preventable, and we must take action to strengthen our laws to protect children from easily accessing firearms.

Senate Bill 362 increases the penalties for individuals who fail to secure firearms from only a fine of up to \$1,000 to include a penalty of up to five years in prison. This bill aims to ensure that those who knowingly or negligently allow minors to gain unsupervised access to firearms are held criminally accountable.

This bill has several exemptions: it will not apply if a minor's access to a firearm is supervised by an adult, if the firearm was obtained because of unlawful entry, if the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties, or if the minor holds a certificate of firearm and hunter safety. These exemptions ensure that the bill does not penalize responsible gun owners who follow safe practices and guidelines.

The Ny'kala Strawder Act honors the memory of a young life lost, and I believe it will help prevent future tragedies by sending a strong message about the importance of securing firearms. This

legislation is a critical step toward safeguarding the most vulnerable members of our society – our children.

I urge the committee to stand with Ny’kala’s family, and with the countless Maryland families who are counting on us to make this necessary change to our law. I respectfully ask for your support in passing this important legislation.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dalya", with a long horizontal flourish extending to the right.

Senator Dalya Attar

Testimony In Support of the NyKayla Strawder Act -

Uploaded by: Donyette McCray

Position: FAV

SB 362 Support

February 11, 2026

The Honorable William C. Smith Jr.
Chairman, Senate Judicial Proceedings Committee
Senate Office Building
2 East Miller Senate Office
Annapolis, MD 21401

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee,

On August 6th, 2022, my world was turned upside down when I lost my beloved great niece/daughter, Nykayla, to gun violence. Her death was the result of someone not properly securing their firearm, a tragic oversight that has haunted me and my family every single day. Because of this failure, I am now left to navigate life without her, and I can't help but wonder how many other families are experiencing similar grief due to preventable gun-related tragedies.

In December 2022, in honor of Nykayla, I made the decision to start an organization dedicated to creating safe spaces for children to play and grow. Our mission is to ensure that no child has to face the dangers of unsecured firearms and to provide communities with resources and education about safe gun storage. Since Nykayla's death, I've been heartbroken to see an increased number of children dying due to firearms that are not properly locked away or stored out of reach.

This year 2026, Nykayla would have been turning 19 years old. She had so much potential and so much life left to live, but because of someone's failure to secure their weapon, she is no longer with us. I ask you to take action to prevent this senseless gun violence from happening to other families. It is crucial that we pass laws requiring proper firearm storage and raise awareness about the dangers of leaving firearms unsecured, especially around children.

I urge you to take meaningful steps to protect our children and ensure that tragedies like mine don't continue to devastate families. Thank you for your attention regarding this critical issue. I trust that you will make the right decisions that will create safer communities and protect the lives of our future generations.

Sincerely,

Donyette McCray
(410)-419-8563
kway15.4all@gmail.co

SB362 2026.pdf

Uploaded by: Jennifer Brady

Position: FAV



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

SB362 Support

February 9, 2026

The Honorable William Smith
Chair, Judicial Proceedings Committee
Senate Office Building
2 E. Miller
Annapolis, MD 21401

RE: Support of SB362 – Child's Access to Firearms-NyKayla Strawder Act – Criminal Law -
Petition to Increase Penalty From a Fine

Dear Chairman Smith and Committee Members,

My name is Jennifer J. Brady and I am the Division Chief of the Firearms and Drug Trafficking Unit in the Baltimore City State's Attorney's Office. I am writing to express my full support for SB1031, "Criminal Law - Child's Access to Firearms - Penalty (NyKayla Strawder Act)." This proposed legislation is crucial in holding those accountable who fail to store their loaded firearms in a safe location, out of the reach of children.

A sentence of incarceration of 5 years as outlined in SB1031, is a significant step forward in ensuring accountability and justice within Maryland's legal system. Currently, the penalty for a violation of CR 4-104 Child's Access to a Firearm, is capped at a fine of \$1000. The existing penalty is wholly insufficient to hold offenders accountable and ensure the safety of our children, children like NyKayla Strawder.

In July of 2023 I prosecuted April Gaskins for failing to safely secure her loaded firearm which resulted in the death of 15 year-old NyKayla Strawder. On August 6th 2022, NyKayla was shot and killed on the porch of her home in Baltimore City. NyKayla was hanging out with friends and family on the porch of her home when 9 year-old A.C. began showing off a gun which discharged, striking NyKayla in the head. A.C. then dropped the gun and ran away. Investigation revealed that the handgun was registered to April Gaskins, A.C.'s grandmother and guardian. Investigators learned that Gaskins regularly stored the loaded handgun in a shoe box on the floor of her bedroom closet with the knowledge that A.C. had access to her room and would spend time there watching t.v. and playing video games. Investigators also learned that A.C. had taken the gun on previous occasions including to school, prior to the homicide.



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

During the charging process for this case it was discovered that the law was grossly inadequate to address the egregious events that occurred leading to Nykayla's tragic death. At 9 years old A.C. could face no legal consequences however he will likely suffer long-term consequences as a result of Mr. Gaskins' actions. As for holding Ms. Gaskins accountable, as written Access to a Minor under CR 4-104 is only a fineable offense, clearly insufficient in light of the tragic events that conspired as a result of Ms. Gaskins' behavior.

Ms. Gaskins was charged with CR 4-104, Firearm Access by a Minor under the Baltimore City Code, and Reckless Endangerment. The legal battle to survive a Motion for Judgment of Acquittal for Reckless Endangerment was an uphill one that the State barely survived.

It's too late to save Nykayla but it isn't too late to honor her life and prevent future tragedies caused by the unlawful access of firearms by children. With the recent increase in firearm proliferation in Maryland and violence in our schools, by enacting SB1031, we can demonstrate our commitment to the safety of our children by providing a sufficient penalty and deterrent for leaving loaded weapons within the reach of our children.

In conclusion, I urge you to support SB1031 and advocate for its passage. Let us seize this opportunity to ensure that our legal system reflects our values and our commitment to the safety of our children.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "J. Brady".



Ivan J. Bates

Jennifer J. Brady
Chief Felony Firearms and Narcotics Division
Office of the State's Attorney for Baltimore City
120 E. Baltimore St. 9th Fl
Baltimore, MD 21202

State's Attorney
Ivan J. Bates



120 East Baltimore Street
Baltimore, MD 21202
443-984-6000

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SB 362 - favorable - NyKayla Strawder.pdf

Uploaded by: Kirsten Brown

Position: FAV

Ivan Bates
President



Kirsten N. Brown
Executive Director

Maryland State's Attorneys' Association
3300 North Ridge Road, Suite 185
Ellicott City, Maryland 21043
kbrown@mdsaa.org ~ 301-748-1312

DATE: February 9, 2026
BILL NUMBER: SB 362
POSITION: Favorable

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

Dear Chairman Smith and Honorable Judicial Proceedings Committee Members,

On behalf of the Maryland State's Attorneys' Association (MSAA), we are writing to express full support for SB 362, "Criminal Law - Child's Access to Firearms - Penalty (Ny'Kala Strawder Act)." This legislation is crucial to holding those accountable who fail to store their loaded firearms in a safe location, and out of the reach of children.

A five (5) year criminal penalty, as outlined in SB 362, is a significant step forward in ensuring accountability and justice within Maryland's legal system. Currently, the penalty for a violation of CR §4-104 Child's Access to a Firearm is capped at a fine of \$1000. The existing penalty is wholly insufficient in holding offenders accountable and ensuring the safety of our children, such as the beautifully innocent life taken from us far too soon, young Ny'Kala Strawder.

As currently written, "Access to a Minor" under CR §4-104 is only a fineable offense, clearly insufficient in light of the tragic events that transpired as a result of Ms. April Gaskins' behavior which led to the untimely death and an unimaginable loss for the Strawder family. It is too late to save Ny'Kala, but it is not too late to honor her life and prevent future tragedies caused by the unlawful access of firearms by children.

With the recent increase in firearm proliferation in Maryland and violence in our schools, by enacting SB362, we can demonstrate our commitment to the safety of our children by providing a sufficient penalty and deterrent for leaving loaded weapons within the reach of our children.

In conclusion, we urge you to support SB 362 and advocate for its passage. Let us seize this opportunity to ensure that our legal system reflects our values and our commitment to the safety of our children.

MSAA urges a favorable report for SB 362.

Testimony in support of SB0362 - Criminal Law - Ch

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0362_RichardKaplowitz_FAV
02/11/2026
Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0362 - POSITION: FAVORABLE
Criminal Law - Child's Access to Firearms - Penalty (Ny'Kala Strawder Act)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0362, **Criminal Law - Child's Access to Firearms - Penalty (Ny'Kala Strawder Act)**

As summarized by AI: ¹

Unsecured firearms have led to multiple, preventable child fatalities and injuries in Maryland in recent years, prompting state officials to introduce stricter, targeted criminal penalties.

Recent Incidents and Fatalities in Maryland

- **January 2025 (Baltimore):** 10-year-old E'vaa Sewell died after accessing an unsecured gun at her grandmother's home.
- **August 2022 (Baltimore City):** 15-year-old NyKayla Strawder was shot and killed by a 9-year-old boy who found a gun in a closet. The incident led to the "NyKayla Strawder Act" to strengthen penalties for improper storage.
- **November 2024 (Largo):** A toddler was hospitalized in critical condition after shooting herself with an unsecured handgun.
- **June 2024 (Montgomery County):** A 3-year-old girl was injured by a gun accessed by a juvenile, described as a "ghost gun".
- **February 2026 (Annapolis):** A second-grader was injured after bringing a gun to school, highlighting the danger of children accessing unsecured home firearms.

Key Data and Context

- **Leading Cause of Death:** Firearms are the leading cause of death for children and teens in Maryland, with 64 children and teens dying by guns annually.

This bill will criminalize persons who fail to secure firearms to protect children. The bill will alter the penalty to add imprisonment not exceeding 5 years for 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.

Sixty-four innocent lives might have been saved if this bill was law – Maryland must take every possible action to keep guns from killing our children!

I respectfully urge this committee to return a favorable report on SB0362.

¹ Google Search "child deaths from unsecured guns in Maryland"

2026 UNF OPD Senate Bill 362.pdf

Uploaded by: Elizabeth Hilliard

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

HANNIBAL KEMERER
CHIEF OF STAFF

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

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

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.

testimony sb362 jpr 2026 .pdf

Uploaded by: jill carter

Position: UNF

Testimony of Senator Emerita Jill P. Carter

RE: SB362 – Entitled: Criminal Law – Child’s Access to Firearms – Penalty (Ny’ Kayla Strawder Act)

INFORMATIONAL AND UNFAVORABLE

Dear Chairman Smith, Vice-Chair Waldstreicher, and Distinguished Members of The Judicial Proceedings Committee:

Factual Background and Legislative History

As the original sponsor of the Ny’Kayla Strawder Memorial Act, I thought it important to weigh in on this proposed legislation. I have deep substantive and emotional concerns about this bill. As you may recall, I have a long and significant history of advocacy for legislation that honors Ny’Kayla’s life and offers her family some measure of solace in knowing their loss helped shape better state law. We (the family and I) believe there are better versions of the proposed legislation. The bill before you, SB362, uses her name but fails to reflect the intent and policy approach long supported by her family.

In the wake of tragedy, it is natural for people of good will to want to ‘do something’. As a lawmaker, my instinct was to respond through legislation. In August 2022, Ny’Kayla was shot and killed by a 9-year-old with a gun in the district I represented, I reached out to Ny’Kayla’s family to both express condolences and to better understand the circumstances and appropriate policy response. After several discussions, I proposed legislation in Ny’Kayla’s name and with their support.

The original legislation sought to do two things:

- 1) mandate CINS for the child who gained possession of the firearm; and
- 2) enhance the potential penalty for an adult responsible for safekeeping the firearm at issue as well as the child.

In 2023, this legislation was SB15 and SB656. SB15 (Mandatory CINS) passed the Senate unanimously. SB656 (Penalties) did not.

In this committee, specifically:

Senator West repeatedly expressed concern that that the reckless endangerment statute was likely sufficient to encompass this issue and suggested amending that statute to possibly have a tiered penalty for an act that results in death. He expressed concern that the bill could create ‘redundancy’ but that was refuted by Steve Kroll. (see hearing SB656, 2/21/23)

Senators Folden and Dulaney James were stumped by the bill’s attempt to include adults with intellectual disabilities that are under the care of legal guardians (termed ‘wards’ under the bill), under the same umbrella as children. Senator James questioned whether the legal

definition of ‘ward’ necessitated that said person was incompetent to possess a firearm and whether the legal guardianship proceeding provided knowledge to the guardian that the ‘ward’ was prohibited by law from possessing a firearm. This issue was ancillary, or rather, beside the point. (see hearing SB656, 2/21/23)

Chairman Smith was passionate about Jaelynn’s Law which could have enhanced penalties for failures of safe storage but didn’t. So, even though SB656 was substantially more precise and reasonable than SB362, SB656 did not reach a vote in 2023.

SB15, the counterpart to SB656, received unanimous support in the Senate. Despite that, and the family’s advocacy, Chair Clippinger did not advance the bill in the House Judiciary Committee.

There was such a strong political appetite for the CINS proposal, that it was inserted into (HB 814) the leadership juvenile reform roll back bill during the 2024 legislative session. We (the family and I) had to push to have Ny’Kayla’s law extracted from that omnibus bill. Thankfully, we were able to again present it as a stand-alone bill (SB2). For the second time, it passed the Senate unanimously and eventually made it through the House with amendments. Because the House Judiciary Committee again sat on it until *sine die*, it once again failed to reach final approval before midnight of the 2024 legislative session which was my last.

In deference to Chairman Smith, and his prioritization of Jaelynn’s law, I reluctantly abandoned the penalties provisions for Ny’Kayla’s law because I wanted to prevent any competition between sponsors or victims. This was not the will of the family.

For the last several years, I’ve witnessed the family members’ disappointment. It has pained me immensely that their grief, and their humanity, has largely been disregarded by this body, and our legislation has been tossed about like a political football rather than stewarded with the care it deserved.

Here we are in 2026 – a new senator and a new bill. Notably, Senator Attar did not consult the family, nor did she advise them of this substantially revised approach. *Late in the 2025 session, Senator Attar introduced this version of the bill as SB1031. The family appeared in the committee room for that hearing. They did not know the substance of the bill, only that it bore the title Ny’Kayla Strawder. * As an elected representative of the district, then, Delegate Attar, never expressed any interest in cross-filing my bill or championing any legislation related to it in any way whatsoever. By contrast, my efforts were rooted in longstanding engagement with the family and a considered commitment to crafting policy that respected their loss and responsibly improved state law. SB 362 is not that.

Analysis

SB362 wholly abandons the original Ny’Kayla Strawder Act and entirely replaces the targeted intervention through CINS with an overly broad criminalization scheme that could punish a lawful owner even where a child does not actually access a firearm.

The April Gaskins Case

For the record, April Gaskins, the grandmother of the 9-year-old shooter of Ny'Kayla, was prosecuted, convicted, and sentenced, under the reckless endangerment statute which carries a maximum potential penalty of 5 years' incarceration.

Although SB362 invokes Ny'Kayla Strawder's name, the proposed increased penalty would not have changed the outcome of April Gaskins' case in any way whatsoever. She was convicted under Criminal Law § 3-204 (reckless endangerment), which already carries a maximum penalty of five years' incarceration, and Baltimore City Code Art. 19, § 59-12, which carries up to one year.

While April Gaskins was also charged under Criminal Law § 4-104 (access to firearms by minors), she was found **not guilty** of that offense. Thus, any increase in penalties under § 4-104 would have had no impact on her prosecution, conviction, or sentence.

Presenting this legislation in Ny'Kayla Strawder's name, while knowing it would have no bearing on the outcome of the very case used to justify it, raises concerns about legislative integrity. It would do a disservice to her legacy and to the careful lawmaking her family has consistently supported.

Ms. Gaskins received a sentence of four (4) years' incarceration. Some members of the Strawder family have expressed to me that they do not feel that is sufficient. She has already been released and has a pending modification of sentence to request a back end PBJ with a hearing set for April 2026. Should she receive a PBJ, she will be eligible in the future to legally possess firearms.

The Eashan John Stefanski Case

Recently, in the news we learned that a 7-year-old took a Glock 27 to Freetown Elementary school and 'accidentally' shot himself. The firearm belonged to his mother's live-in boyfriend, Eashan Stefanski. When police searched the home, they found an unloaded firearm that was not stored and an empty storage box for the Glock 27. The locking device was present, but the Glock was not. Police ascertained that Mr. Stefanski violated 4-104 and he has been charged accordingly.

Maryland has no universal storage law and 4-104 applies to improper storage of a loaded firearm. I suspect that, as in Ms. Gaskins's case, prosecutors may have difficulty proving beyond a reasonable doubt that the Glock 27 was loaded prior to removal, or that the child did not secretly unlock the lock or break the code. If that's the case, increased penalties would be of no consequence here.

Also, Mr. Stefanski was not charged with reckless endangerment or any other statute that might carry a more severe penalty. That was a prosecutorial choice.

With respect to the child, we should seek to ensure that children receive the kind of trauma treatment and behavior modification services offered under CINS. That is, or frankly, should be, our primary concern here.

SB362 is a BAD BILL

SB362 collapses the legal distinction between negligence and recklessness. It allows for prosecution and incarceration absent harm, absent discharge, and absent demonstrable

danger. It criminalizes failure to *perfectly* manage risk which could extend to all manner of household accidents. I'm deeply concerned about its ramifications and unintended harmful and negative consequences.

It's a slippery slope to criminalize momentary lapses or failure to secure everyday household hazards. For example, bleach or pesticides, if a child could possibly gain access.

Prior to increasing penalties under this statute, this committee should:

- 1) Examine charging practices (i.e. April Gaskins charged in Baltimore City with reckless endangerment, but Eashan Stefanski only charged with access to a firearm by a minor in Anne Arundel County).
- 2) Examine evidentiary barriers under 4-104 and consider language modification (i.e. April Gaskins was found Not Guilty under 4-104 because prosecutors could not prove her gun was loaded prior to getting into the hands of the child. I suspect the same might prove true in Eashan Stefanski's case and numerous others).
- 3) Examine the use of the reckless endangerment statute (3-204) in these cases and consider amendments for firearm specific offenses and tiered penalties.

The families of Ny'Kayla Strawder, the family of the 7-year-old Freetown Elementary student, and all other similarly situated families deserve better than this bill. They deserve thoughtful, meaningful policy.

The Strawder family has consistently supported two policies:

- 1) meaningful intervention for the child involved who will live with the consequences of his actions for the duration of his life, and
- 2) accountability for adults when existing law proves inadequate.

That is why the legislation I sponsored mandating CINS services for the child after a firearm-related death and to allow for enhanced penalties based on actual harm or death should be passed in place of SB362.

Conclusion and Recommendations

If we are serious about firearm safety, we should pass targeted, thoughtful reforms, narrowly tailored to specific circumstances, such as:

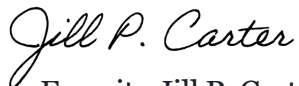
- 1) tiered penalties tied to culpability, actual access or actual harm.
- 2) investment in safe-storage education.
- 3) the tax credit bill for safe storage I previously proposed.
- 4) and any other accountability measures that preserve the legal distinction between negligence and criminal recklessness.

We should further prioritize the healing and well-being of the traumatized child. These approaches will improve both public safety and the integrity of criminal law.

SB362 is not only abhorrent political opportunism, but also structurally unsound and unlikely to produce desirable public safety outcomes.

For all these reasons, I urge an unfavorable report on SB362.

Thank you for your consideration.

A handwritten signature in black ink that reads "Jill P. Carter". The signature is written in a cursive style with a large, looping initial "J".

Senator Emerita Jill P. Carter

SB0362_Testimony_2A_Maryland.pdf

Uploaded by: John Josselyn

Position: UNF



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

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§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.

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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.

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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**

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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

SB0362 Criminal law.pdf

Uploaded by: Karla Mooney

Position: UNF

SB0362 Criminal law, child's access to firearms penalty

This is way more of an overreach than many of the bills I have seen. This is a complete removal of the right to defend one's self. Storage is very important and should absolutely be utilized to the fullest it can be, but to remove someone's right to own a firearm goes too far.

It is only a misdemeanor for someone to steal a firearm but you want to completely take away an otherwise lawful owners ability to use a firearm in the home for self defense is just too much.

I ask for an unfavorable report on this bill.

Karla Mooney

Leonardtown MD

District 29C

Director for Women for Gun Rights in Maryland

And State Leader for Armed Women of America

MSI Testimony on SB 362 child access final.pdf

Uploaded by: Mark Pennak

Position: UNF



President
Mark W. Pennak

February 12, 2026

**WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT,
MARYLAND SHALL ISSUE IN OPPOSITION TO SB 362**

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan, non-profit organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of the District of Columbia and the Bar of Maryland. I retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland Firearms Law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol and personal protection in the home and outside the home and muzzle loading. I appear today as President of MSI in OPPOSITION TO SB 362

Current Law and This Bill:

As last amended in 2023 by Senate Bill 858, 2023 Maryland Laws, Ch. 622, MD Code, Criminal Law, § 4-104(c) provides: “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.” SB 858 strengthened other provisions of Section 4-104 to apply to access by all “minors” (instead of persons under the age of 16) and amended Section 4-104(c) to apply to any “access” by the minor. SB 858 left unchanged the punishment provisions of Section 4-104(d), providing that “[a] person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.” MD Code, Criminal Law, § 4-104(d). House Bill 824, also enacted in 2023, see 2023 Maryland Session Laws, Ch. 651, imposes firearms disqualifications for the wear and carry permit if a person has been convicted of improper storage of a firearm under MD Code, Criminal Law, § 4-104. See MD Code, Public Safety, § 5-306(a-2)(d).¹ This Bill amends the penalty

¹ MD Code, Public Safety, § 5-306(a-2)(d) provides:

- (1) The Secretary may not issue a permit to a person if the person:
 - (i) has been convicted on or after October 1, 2023, of a second or subsequent violation of § 4-104 of the Criminal Law Article; or
 - (ii) has been convicted on or after October 1, 2023, of a violation of § 4-104 of the Criminal Law Article 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.
- (2) Subject to paragraph (1) of this subsection, 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 of the Criminal Law Article for 5 years following the date of the conviction.

under Section 4-104(d) to provide: “A person who violates this section is guilty of a misdemeanor and on conviction is subject to IMPRISONMENT NOT EXCEEDING 5 YEARS OR a fine not exceeding \$1,000 OR BOTH.”

Discussion:

MSI supports safe storage and, as an instructor, the undersigned gives such instruction in the HQL and wear and carry courses, as required by State law.² This Bill, however, is extreme and unnecessary. As outlined above, the General Assembly has already strengthened Section 4-104 in 2023 as part of a comprehensive package of legislation. This Bill ignores that history and unaccountably amends the punishment provisions of Section 4-104 to match the imprisonment provisions of the reckless endangerment statute, MD Code, Criminal Law, § 3-204. Specifically, Section 3-204(a) provides that “a person may not recklessly: (1) engage in conduct that creates a substantial risk of death or serious physical injury to another.” Section 3-204(b) provides that “[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.”

Current law provides for other punishments as well. See, e.g., *Williams v. State*, 100 Md.App. 468, 486, 641 A.2d 990 (1994) (“[T]he act of pointing a firearm at a nearby human being, without being certain that the weapon will not discharge, generally is sufficiently reckless to support a conviction for involuntary manslaughter where the unintended discharge of the weapon results in death. Similarly, “where the discharge of the weapon resulted in a wounding short of death, the same degree of recklessness supports the battery conviction.” *Duckworth v. State*, 323 Md. 532, 541, 594 A.2d 109 (1991). Or a person may be held civilly liable in tort for harm to a person or property. All these potentially severe legal consequences provide strong incentives for the safe handling of firearms.

All these provisions allow a prosecutor to tailor charges to fit the facts. Certainly not all violations of Section 4-104 are equivalent to reckless endangerment. The risk associated with allowing access to a firearm by a minor will necessarily vary by the facts presented in any given instance, including the age of the minor and the circumstances presented. For example, the risks and culpability associated with inadvertently allowing access to a 17-year-old who has been trained by a parent or instructor³ is obviously much different than access deliberately or recklessly

² See MD Code, Public Safety, § 5-117.1(d)(3)(ii) (requiring instruction in “State firearm law”); MD Code, Public Safety, § 5-306(a-1)(2)(i) (requiring instruction, *inter alia*, on “the safe storage of firearms”).

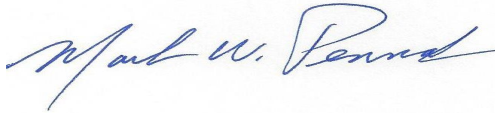
³ See, e.g., MD Code, Public Safety, § 5-133(d):

- (1) Except as provided in paragraph (2) of this subsection, a person who is under the age of 21 years may not possess a regulated firearm.
- (2) Unless a person is otherwise prohibited from possessing a regulated firearm, this subsection does not apply to:

allowed to an untrained small child. In contrast, the reckless endangerment “statute was enacted ‘to punish, as criminal, reckless conduct which created a substantial risk of death or serious physical injury to another person.’” *Holbrook v. State*, 364 Md. 354, 365, 772 A.2d 1240 (2001), quoting *Minor v. State*, 326 Md. 436, 441, 605 A.2d 138 (1992). There is no reason to conflate the two crimes. If the facts show that a given instance of access posed “a substantial risk of death or serious physical injury,” then the State’s Attorney is free to bring charges under the reckless endangerment statute **in addition** to the punishment allowed under Section 4-104(d). As the General Assembly recognized in 2023 in enacting HB 824 and SB 858, the two crimes address different conduct for different reasons and thus warrant different punishments.

We urge an unfavorable report.

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

-
- (i) the temporary transfer or possession of a regulated firearm if the person is:
1. under the supervision of another who is at least 21 years old and who is not prohibited by State or federal law from possessing a firearm; and
 2. acting with the permission of the parent or legal guardian of the transferee or person in possession.

MSI Testimony on SB 362 child access final.pdf

Uploaded by: Mark Pennak

Position: UNF



President
Mark W. Pennak

February 12, 2026

**WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT,
MARYLAND SHALL ISSUE IN OPPOSITION TO SB 362**

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan, non-profit organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of the District of Columbia and the Bar of Maryland. I retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland Firearms Law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol and personal protection in the home and outside the home and muzzle loading. I appear today as President of MSI in OPPOSITION TO SB 362

Current Law and This Bill:

As last amended in 2023 by Senate Bill 858, 2023 Maryland Laws, Ch. 622, MD Code, Criminal Law, § 4-104(c) provides: “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.” SB 858 strengthened other provisions of Section 4-104 to apply to access by all “minors” (instead of persons under the age of 16) and amended Section 4-104(c) to apply to any “access” by the minor. SB 858 left unchanged the punishment provisions of Section 4-104(d), providing that “[a] person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.” MD Code, Criminal Law, § 4-104(d). House Bill 824, also enacted in 2023, see 2023 Maryland Session Laws, Ch. 651, imposes firearms disqualifications for the wear and carry permit if a person has been convicted of improper storage of a firearm under MD Code, Criminal Law, § 4-104. See MD Code, Public Safety, § 5-306(a-2)(d).¹ This Bill amends the penalty

¹ MD Code, Public Safety, § 5-306(a-2)(d) provides:

- (1) The Secretary may not issue a permit to a person if the person:
 - (i) has been convicted on or after October 1, 2023, of a second or subsequent violation of § 4-104 of the Criminal Law Article; or
 - (ii) has been convicted on or after October 1, 2023, of a violation of § 4-104 of the Criminal Law Article 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.
- (2) Subject to paragraph (1) of this subsection, 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 of the Criminal Law Article for 5 years following the date of the conviction.

under Section 4-104(d) to provide: “A person who violates this section is guilty of a misdemeanor and on conviction is subject to IMPRISONMENT NOT EXCEEDING 5 YEARS OR a fine not exceeding \$1,000 OR BOTH.”

Discussion:

MSI supports safe storage and, as an instructor, the undersigned gives such instruction in the HQL and wear and carry courses, as required by State law.² This Bill, however, is extreme and unnecessary. As outlined above, the General Assembly has already strengthened Section 4-104 in 2023 as part of a comprehensive package of legislation. This Bill ignores that history and unaccountably amends the punishment provisions of Section 4-104 to match the imprisonment provisions of the reckless endangerment statute, MD Code, Criminal Law, § 3-204. Specifically, Section 3-204(a) provides that “a person may not recklessly: (1) engage in conduct that creates a substantial risk of death or serious physical injury to another.” Section 3-204(b) provides that “[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.”

Current law provides for other punishments as well. See, e.g., *Williams v. State*, 100 Md.App. 468, 486, 641 A.2d 990 (1994) (“[T]he act of pointing a firearm at a nearby human being, without being certain that the weapon will not discharge, generally is sufficiently reckless to support a conviction for involuntary manslaughter where the unintended discharge of the weapon results in death. Similarly, “where the discharge of the weapon resulted in a wounding short of death, the same degree of recklessness supports the battery conviction.” *Duckworth v. State*, 323 Md. 532, 541, 594 A.2d 109 (1991). Or a person may be held civilly liable in tort for harm to a person or property. All these potentially severe legal consequences provide strong incentives for the safe handling of firearms.

All these provisions allow a prosecutor to tailor charges to fit the facts. Certainly not all violations of Section 4-104 are equivalent to reckless endangerment. The risk associated with allowing access to a firearm by a minor will necessarily vary by the facts presented in any given instance, including the age of the minor and the circumstances presented. For example, the risks and culpability associated with inadvertently allowing access to a 17-year-old who has been trained by a parent or instructor³ are obviously much different than the risks and culpability associated

² See MD Code, Public Safety, § 5-117.1(d)(3)(ii) (requiring instruction in “State firearm law”); MD Code, Public Safety, § 5-306(a-1)(2)(i) (requiring instruction, *inter alia*, on “the safe storage of firearms”).

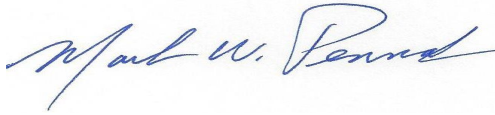
³ See, e.g., MD Code, Public Safety, § 5-133(d):

- (1) Except as provided in paragraph (2) of this subsection, a person who is under the age of 21 years may not possess a regulated firearm.
- (2) Unless a person is otherwise prohibited from possessing a regulated firearm, this subsection does not apply to:

with access deliberately or recklessly allowed to an untrained small child. In contrast, the reckless endangerment “statute was enacted ‘to punish, as criminal, reckless conduct which created a substantial risk of death or serious physical injury to another person.’” *Holbrook v. State*, 364 Md. 354, 365, 772 A.2d 1240 (2001), quoting *Minor v. State*, 326 Md. 436, 441, 605 A.2d 138 (1992). There is no reason to conflate the two crimes. If the facts show that a given instance of access posed “a substantial risk of death or serious physical injury,” then the State’s Attorney is free to bring charges under the reckless endangerment statute **in addition** to the punishment allowed under Section 4-104(d). As the General Assembly recognized in 2023 in enacting HB 824 and SB 858, the two crimes address different conduct for different reasons and thus warrant different punishments.

We urge an unfavorable report.

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

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- (i) the temporary transfer or possession of a regulated firearm if the person is:
1. under the supervision of another who is at least 21 years old and who is not prohibited by State or federal law from possessing a firearm; and
 2. acting with the permission of the parent or legal guardian of the transferee or person in possession.

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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.



Thomas J. Kasuba (registered Democrat)
2917 Rosemar Drive
Ellicott City, MD 21043-3332
tomkasubamd@netscape.net
301-688-8543 (day)
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