



## STAND YOUR GROUND LAWS

- ❑ **Bottom Line:** Stand Your Ground laws upend centuries of traditional self-defense doctrine and are a threat to public safety. Although the National Rifle Association (NRA) successfully pushed these laws onto the books under the radar in states across the country<sup>1</sup> before the Trayvon Martin shooting, national awareness of their danger has stopped proliferation in its tracks.
- ❑ **Stand Your Ground laws upend centuries of traditional self-defense doctrine.** These laws encourage armed vigilantism by allowing a person to kill another person even when they can clearly and safely walk away from the danger, and even in public areas like parking lots and playgrounds.
  - Under **traditional self-defense law**, a person can use force to defend himself anywhere, but when he is outside his home he cannot use force likely to kill or seriously injure someone, **if there is a safe way to avoid it.**<sup>2</sup>
    - Traditional self-defense gives a person the right to protect himself, while recognizing that it is always best to avoid killing someone if possible.
    - Traditional self-defense does **not** require that a person retreat from a situation if doing so would put him in danger. It only requires a person to avoid killing another person if there is a **clear** and **safe** way to do so.
    - In this way, traditional law respects both a person's right to self-defense and the sanctity of human life. It recognizes that it is always better to avoid taking a life if there is a safe and clear alternative.
  - There is a centuries-old exception to this rule—called **the Castle Doctrine**—that allows a person who is **in his home** to defend himself with force likely to kill or seriously injure someone, even if he could have safely walked away.<sup>3</sup>
  - Stand Your Ground laws upend traditional self-defense and the Castle Doctrine by allowing a person to kill someone **in public**, even when there is a clear and safe alternative to protect himself.<sup>4</sup>
- ❑ **Stand Your Ground laws give everyday, untrained citizens more leeway to shoot than the United States military gives soldiers in war zones.**
  - The U.S. military Rules of Engagement outline what soldiers can and can't do to protect themselves from deadly threats in war zones. The bottom line is that it is always preferable to de-escalate potentially violent situations before someone is killed.
  - Stand Your Ground laws abandon that core de-escalation principle, encouraging unnecessary violence by allowing everyday conflicts to escalate into deadly shootings. These laws would allow a citizen to shoot another person faster and in more situations than a member of the U.S. military would in a war zone.<sup>5</sup>



- ❑ **The NRA helped draft and pass Stand Your Ground laws under the radar in state houses across the country before national awareness stopped their proliferation in its tracks. Since 2011, only one state has passed a SYG law.**
  - In 2005, the NRA helped draft and pass Stand Your Ground legislation in Florida.<sup>6</sup> Then the American Legislative Exchange Council (ALEC) adopted a model law based on it.<sup>7</sup>
  - Between 2005 and 2011, the NRA and ALEC successfully pushed Stand Your Ground legislation in 22 states across the country.<sup>8</sup>
  - The killing of Trayvon Martin in February 2012 served as a national wake-up call about the dangers of Stand Your Ground legislation. It spurred multiple studies demonstrating the unnecessary death and disparate racial impact associated with these laws.
  - Four states passed Stand Your Ground laws in 2011, and there were seven bills pending in 2012 that would have created seven new Stand Your Ground states.<sup>9</sup> But not one of those bills passed. In fact, only one new state—Missouri—has become a Stand Your Ground state since Trayvon’s death and evidence of the dangerousness of these laws came in.
- ❑ **States that pass Stand Your Ground laws see increases in homicide rates.**
  - A 2012 study by researchers at Texas A&M found that in 21 states Stand Your Ground laws are associated with a clear increase in homicides, resulting in **600 more homicides per year**.<sup>10</sup>
  - In Florida, for example, their Stand Your Ground law was linked to a **32 percent increase in total firearm homicides**.<sup>11</sup> At the same time, homicides deemed justifiable by law enforcement **tripled**.<sup>12</sup>
  - In 2013 the *Tampa Bay Times* found that at least **26 children and teens** have been killed in Florida Stand Your Ground cases since 2005.<sup>13</sup>
- ❑ **Stand Your Ground laws have a disproportionate effect on communities of color.**
  - When white shooters kill black victims, the resulting homicides are deemed justifiable by law enforcement **11 times more frequently** than when the shooter is black and the victim is white.<sup>14</sup>
  - Controlling for other factors—such as who initiated the confrontation and whether or not the victim was armed—Florida **SYG cases with minority victims are half as likely to lead to conviction**, compared to cases with white victims.<sup>15</sup>
- ❑ **Stand Your Ground laws do not deter crime.**
  - Despite the assertions of Stand Your Ground supporters, the Texas A&M researchers found no evidence that Stand Your Ground laws deter crime.<sup>16</sup>
- ❑ **Now that the evidence is in, states are listening.**
  - **Only one new state has passed a Stand Your Ground law since 2011.** Four states passed Stand Your Ground laws in 2011,<sup>17</sup> and there were seven bills pending in 2012 that would have created seven new Stand Your Ground states.<sup>18</sup> But not one of those



bills passed. Only one new state—Missouri—has become a Stand Your Ground state in the years since.

- **States with Stand Your Ground statutes are now taking action to repeal or reform these dangerous laws.** Many states have introduced legislation to repeal or reform their Stand Your Ground statutes.<sup>19</sup> One of these reform bills passed in Louisiana.<sup>20</sup>

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<sup>1</sup> Prior to the Trayvon shooting, laws were passed in Alabama, Alaska, Arizona, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia. Since the Trayvon shooting, only one state—Missouri—has passed a SYG law.

<sup>2</sup> Wharton, F. (1875). *A Treatise on the Law of Homicide in the United States*. Philadelphia: Kay and Brother; Allen v. United States, 164 U.S. 492, 497-98 (1896); Teal v. State, 161 So. 422, 422 (Fla.1935); Beyer v. Birmingham, Ry., Light & Power Co., 64 So. 609, 611 (Ala. 1914).

<sup>3</sup> Wharton, F. (1875). *A Treatise on the Law of Homicide in the United States*. Philadelphia: Kay and Brother; People v. Richardson, 803 N.W.2d 302, 309-10 (Mich. 2011); Smiley v. State, 966 So. 2d 330, 333 (Fla. 2007).

<sup>4</sup> See e.g. Fla. Stat. § 776.013(3) (2016).

<sup>5</sup> Soltz, J. (2012, April 10). George Zimmerman Had More Legal Authority to Kill Than Our Troops Do at War. *Think Progress*. Retrieved from <http://bit.ly/2axdoI9>.

<sup>6</sup> O'Neill, A. (2012, April 15). NRA's Marion Hammer stands her ground. *CNN*. Retrieved from <http://cnn.it/2aQar4Y>; Bender, M. C. (2012, May 11). Pistol-Packing Grandma Helps NRA Push State Pro-Gun Laws. *Bloomberg*. Retrieved from <http://bloom.bg/2aKXqLy>.

<sup>7</sup> Gertz, M. (2012, March 21). ALEC Has Pushed the NRA's "Stand Your Ground" Law across the Nation. *Media Matters for America*. Retrieved from <http://mm4a.org/1nE5A53>; Graves, L. (2012, March 30). Resources for Investigating ALEC/NRA Gun Bills. *PR Watch*. Retrieved from <http://bit.ly/2asw6h5>.

<sup>8</sup> Mayors Against Illegal Guns. (2013). *Shoot First: "Stand your ground" laws and their effect on violent crime and the criminal justice system*. Retrieved from <http://every.tw/2atyEyp>.

<sup>9</sup> Iowa: HF 2215; Massachusetts: SB 661; Minnesota: HF 1467; Nebraska: LB 298; New Jersey: A 886; New York: S 281; Washington: SB 5418.

<sup>10</sup> Cheng, C., & Hoekstra, M. (2012). *Does strengthening self-defense law deter crime or escalate violence? Evidence from Castle Doctrine*. Cambridge, MA: National Bureau of Economic Research. Retrieved from <http://bit.ly/2awzR9J>.

<sup>11</sup> Humphreys, D., Gasparrini, A., Wiebe, D. (2016). Evaluating the Impact of Florida's "Stand Your Ground" Self-defense Law on Homicide and Suicide by Firearm: An Interrupted Time Series Study. *JAMA Internal Medicine*. Published online November 14, 2016.

<sup>12</sup> Fisher, M., & Eggen, D. (2012, April 7). 'Stand your ground' laws coincide with jump in justifiable-homicide cases. *Washington Post*. Retrieved from <http://wapo.st/2fZbeSM>.

<sup>13</sup> Cameron, D., & Higgins, W. M. (2014). Stand your ground law: Fatal Cases. *Tampa Bay Times*. Retrieved August 3, 2016, from <http://bit.ly/1c9o33x>.

<sup>14</sup> Roman, J. (2013). Race, Justifiable Homicide, and Stand Your Ground Laws: Analysis of FBI Supplementary Homicide Report Data. *Urban Institute*. Retrieved from <http://urbn.is/2gGvGvM>.

<sup>15</sup> Ackermann, N., Goodman, M. S., Gilbert, K., Arroyo-Johnson, C., & Pagano, M. (2015). Race, law, and health: Examination of 'stand your ground' and defendant convictions in Florida. *Social Science & Medicine*, 142, 194–201.

<sup>16</sup> Cheng, C., & Hoekstra, M. (2012). *Does Strengthening Self-Defense Law Deter Crime or Escalate Violence? Evidence from Castle Doctrine*. Cambridge, MA: National Bureau of Economic Research. Retrieved from <http://bit.ly/2awzR9J>.

<sup>17</sup> Nevada: 2011 AB 321; New Hampshire: 2011 SB 88; North Carolina: 2011 HB 650; Pennsylvania: 2011 HB 40

<sup>18</sup> Iowa: HF 2215; Massachusetts: SB 661; Minnesota: HF 1467; Nebraska: LB 298; New Jersey: A 886; New York: S 281; Washington: SB 5418.

<sup>19</sup> E.g. Alabama: 2012 HB 694, 2013 HB 212; Arizona: 2014 HB 2518, HB 1437; Florida: 2013 HB 123, HB 331, HB 4009, HB 799; Georgia: 2012 HB 1308; Indiana: 2014 SB 46; Louisiana: 2012 SB 738, HB 1100, SB 719; Michigan: 2012 HB 5644; Mississippi: 2013 HB 1040; New Hampshire: 2013 HB 135; North Carolina: 2012 HB 1192; Pennsylvania: 2012 HB 2559, 2013 HB 518; South Carolina: 2012 H 5072; Texas: 2013 HB 3773, SB 1349.

<sup>20</sup> 2012 La. SB 738.