



STAND YOUR GROUND LAWS

- ❑ **Bottom Line:** Stand Your Ground laws upend centuries of traditional self-defense doctrine and threaten public safety by encouraging armed vigilantism and giving civilians in public places more leeway to shoot than the U.S. military gives soldiers in war zones. These laws are associated with clear increases in homicides. Lawmakers should put the safety of their constituents first and reject dangerous Stand Your Ground proposals.
- ❑ **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.**¹
 - 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.²
 - Stand Your Ground laws upend traditional self-defense and the Castle Doctrine by allowing people to shoot to kill **in public**, even when there is a clear and safe alternative.³
- ❑ **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.⁴
- ❑ **The NRA helped draft and pass Stand Your Ground laws under the radar in state houses across the country.**
 - In 2005, the NRA helped draft and pass Stand Your Ground legislation in Florida.⁵ Then the American Legislative Exchange Council (ALEC) adopted a model law based on it.⁶



- Between 2005 and 2011, the NRA and ALEC successfully pushed Stand Your Ground legislation in 22 states across the country.⁷
 - 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.
- ❑ **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**.⁸
 - In fact, after Florida passed its Stand Your Ground law, homicides there determined to be justifiable **tripled**.⁹
 - In 2013 the *Tampa Bay Times* found that at least **26 children and teens** have been killed in Florida Stand Your Ground cases since 2005.¹⁰
- ❑ **Stand Your Ground laws have a disproportionate effect on communities of color.**
- When white shooters kill black victims, the resulting homicides are deemed justifiable **11 times more frequently** than when the shooter is black and the victim is white.¹¹
 - 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.¹²
- ❑ **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.¹³

¹ 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).

² 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).

³ See e.g. Fla. Stat. § 776.013(3) (2016).

⁴ 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>.

⁵ 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>.

⁶ 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>.

⁷ 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>.

⁸ 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. <http://bit.ly/2awzR9J>.

⁹ 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>.



¹⁰ Cameron, D., & Higgins, W. M. (2014). Stand your ground law: Fatal Cases. *Tampa Bay Times*. Retrieved August 3, 2016, from <http://bit.ly/1c9o33x>.

¹¹ Roman, J. (2013). Race, Justifiable Homicide, and Stand Your Ground Laws: Analysis of FBI Supplementary Homicide Report Data. *Urban Institute*. Available at <http://urbn.is/2gGvGvM>.

¹² 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.

¹³ 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. <http://bit.ly/2awzR9J>.