# Appendix A: States with Stand Your Ground Laws

<table>
<thead>
<tr>
<th>State</th>
<th>Date Law Signed</th>
<th>No Duty to Retreat Anywhere</th>
<th>No Duty to Retreat in Defense of Property</th>
<th>Presumption That Use of Deadly Force Was Lawful</th>
<th>Immunity From Arrest or Prosecution</th>
<th>Immunity From Civil Suits</th>
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Governor Bob Riley signed Alabama’s Stand Your Ground bill into law on April 4, 2006, giving Alabama one of the most expansive self-defense laws in the country. On May 21, 2013, Governor Robert Bentley signed a bill broadening it further. A shooter in Alabama may use lethal force to defend himself or herself or another from serious bodily harm anywhere he or she has a right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area.61

Alabama also allows deadly force to be used to prevent the burglary of any building, including those the shooter knows are unoccupied, even if the shooter does not own or control the building being burglarized.62 A shooting is presumed to be lawful if the shooter reasonably believes that the victim is unlawfully entering a home, business property, occupied vehicle, or nuclear power facility.63

A shooter who claims self-defense is immune from criminal prosecution under Alabama law64 and cannot be arrested unless police have probable cause to believe that the shooter was not acting in self-defense.65 States with similar statutes have found that a shooter who is charged with a crime is entitled to a pre-trial immunity hearing in which a judge must make factual determinations typically left to a jury.66 If the shooter wins, the case is dismissed; if the shooter loses, the case is heard a second time, this time by a jury. The Alabama statute also immunizes the shooter from all civil suits, including those brought by innocent bystanders.67

Alaska’s Stand Your Ground law was signed into law by Governor Frank Murkowski on June 15, 2006, after passing unanimously in both the House and Senate. The law was broadened on June 20, 2013. It eliminates the shooter’s duty to retreat prior to using deadly force to defend himself or herself or another from serious bodily harm anywhere the shooter has a right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area. Alaska’s statute allows a person to kill another in self-defense even in certain situations where he or she used deadly force or the threat of deadly force to provoke the confrontation.68

Alaska law also allows a shooter to use deadly force or to stop or prevent some crimes, like robbery and vehicle theft, even if the shooter could have safely left the area.69

A shooter protected by Alaska’s Stand Your Ground statute has immunity from civil suits claiming relief based on the death or injury of the person whom he or she intended to shoot.70 If the victim brings a civil suit against an immunized shooter, the Alaska law requires that the victim pay the shooter’s attorney’s fees and court costs and that the victim compensate the shooter for lost income and other expenses.71
Since 2006, three separate bills signed by two different governors have expanded Arizona’s self-defense law. Arizona now has one of the broadest Stand Your Ground statutes in the country. A shooter in Arizona may use deadly force to defend himself or herself or another from serious bodily harm or to stop or prevent certain crimes anywhere where he or she may legally be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area.72

The shooter may kill another in self-defense in some situations even if the shooter used deadly force to initially provoke the confrontation.73 If the shooter claims the killing was justified, Arizona law presumes it was, regardless of where the shooting took place.74

Arizona also allows deadly force to be used to prevent the burglary of any building, including buildings that the shooter knows are unoccupied, even if the shooter does not own or control the building being burglarized.75 A shooter protected by Arizona’s Stand Your Ground statute has immunity from all civil suits, including those brought by innocent bystanders.76

Governor Jeb Bush signed Florida’s Stand Your Ground bill into law on April 26, 2005, kick-starting the proliferation of these laws across the country and supplying a model for other states. A shooter in Florida does not have to retreat prior to using lethal force to defend himself or herself or another from serious bodily harm anywhere he has a right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area.77 A shooter may kill someone and successfully claim self-defense in some situations even if the shooter used deadly force to initially provoke the confrontation.78

Florida law also allows deadly force to be used to prevent the burglary of any building, including those that are known to be unoccupied and that the shooter does not own or control.79 A shooting is presumed lawful if the victim unlawfully and forcibly entered, or attempted to remove a person from, a dwelling or occupied vehicle, regardless of whether anyone was in actual danger.80 If a person unlawfully and by force enters, or attempts to enter, a dwelling or occupied vehicle, that person is presumed to be doing so in order to commit a violent and unlawful act, regardless of the specific facts of the case or the person’s age or actual intent.81 These presumptions apply not only to the shooter’s dwelling and vehicle, but to third-party homes and vehicles as well.

A shooter claiming self-defense is immune from criminal prosecution under Florida law82 and cannot be arrested or detained unless police have probable cause to believe that the shooter was not acting in self-defense.83 After being charged, the shooter is entitled to a pre-trial immunity hearing in which a judge must make factual determinations typically left to a jury. If the shooter wins, the case is dismissed; if the shooter loses, the case is heard a second time, this time by a jury.84

The Florida statute also immunizes the shooter from all civil suits, including those brought by innocent bystanders.85 If a person, including an innocent bystander, does bring suit against a shooter who is immunized, that person is required to pay the shooter’s attorney’s fees and court costs and must compensate the shooter for lost income and other expenses.86
Georgia’s Stand Your Ground statute was signed into law by Governor Sonny Perdue on April 27, 2006, about a year after Governor Bush signed Florida’s Stand Your Ground law. A shooter in Georgia may use deadly force to defend himself or herself or another from serious bodily harm or to stop or prevent certain crimes without retreating anywhere — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area. A shooter may successfully claim self-defense in some situations even if he or she used deadly force to initially provoke the confrontation or was engaged in unlawful activity at the time.

Georgia’s statute allows deadly force to be used to prevent the burglary of any residence, or theft of any vehicle, including a residence or vehicle that the shooter knows is unoccupied and that is not under the shooter’s ownership or control.

Georgia law also immunizes the shooter from criminal prosecution, entitling him or her to a pre-trial immunity hearing in which a judge must make factual determinations typically left to a jury. If the shooter wins, the case is dismissed; if the shooter loses, the case is heard a second time, this time by a jury. A shooter who is protected by Georgia’s Stand Your Ground law also has immunity from civil suits claiming relief based on the death or injury of the person whom he or she intended to shoot.

Indiana Governor Mitch Daniels signed his state’s Stand Your Ground statute on March 21, 2006. A shooter in Indiana may use deadly force to defend himself or herself or another from serious bodily harm or to stop or prevent certain crimes without retreating anywhere he or she may be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area.

Indiana law also allows a shooter to use lethal force to stop someone from trespassing onto his or her property even if that person never entered or tried to enter a building or commit a crime (other than trespass) on the property. A 2012 amendment to Indiana’s law specifically provides that ordinary citizens may use force against law enforcement officers to protect themselves and their property.
Since 2006, three separate bills signed by three different governors have progressively expanded Kansas’ self-defense law. Kansas now has one of the broadest Stand Your Ground statutes in the country. A shooter in Kansas does not have to retreat prior to using lethal force to defend himself or herself or another from serious bodily harm or to stop or prevent certain crimes anywhere he or she has a right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area.

The shooting is presumed to be lawful if the victim unlawfully entered the shooter’s dwelling, workplace, or occupied vehicle, or if the victim attempted to remove a person against his or her will from the shooter’s dwelling, workplace, or vehicle, regardless of whether anyone was in actual danger. This presumption applies to all homes and vehicles, not only to those owned or controlled by the shooter.

The shooter is immune from criminal prosecution under Kentucky law and cannot be arrested or detained unless the police have probable cause to believe that the shooter was not acting in self-defense. After being charged, the shooter is entitled to a pre-trial immunity hearing in which a judge must make factual determinations typically left to a jury. If the shooter wins, a jury does not hear the case; if the shooter loses, his or her case is heard a second time, this time by a jury.

The Kentucky statute also immunizes the shooter from all civil suits, including those brought by innocent bystanders. If a person, including an innocent bystander, does bring suit against a shooter who is immunized, that person is required to pay the shooter’s attorney’s fees and court costs, along with compensation for lost income and any other expenses.
Governor Kathleen Blanco signed Louisiana’s Stand Your Ground bill into law on June 2, 2006 after it passed unanimously in both the House and the Senate. A shooter in Louisiana may use deadly force to defend himself or herself or another from serious bodily harm or to stop or prevent certain crimes without retreating anywhere he or she has a right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area.\textsuperscript{109} The shooting is presumed to be lawful if the victim unlawfully and forcibly entered a dwelling, workplace, or vehicle, regardless of whether it is the shooter’s dwelling, workplace, or vehicle and regardless of whether anyone was in actual danger.\textsuperscript{110}

The Louisiana statute also immunizes the shooter from all civil suits, including those brought by innocent bystanders. If a person does bring suit against a shooter who is immunized, that person is required to pay the shooter’s attorney’s fees and court costs, along with compensation for lost income and any other expenses.\textsuperscript{111}

In 2012, Louisiana passed reform legislation requiring that law enforcement conduct a full investigation of, and preserve evidence related to, violent or suspicious deaths when the killer claims self-defense.\textsuperscript{112}

Michigan’s Stand Your Ground law was signed by Governor Jennifer Granholm on July 18, 2006. Since leaving office, Granholm has been outspoken in her opposition to Stand Your Ground laws.\textsuperscript{113} In Michigan, a shooter has no duty to retreat prior to using deadly force to defend himself or herself or another from serious bodily harm anywhere he or she may legally be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area.\textsuperscript{114}

In addition, a shooting is presumed to be lawful if the victim is breaking and entering a dwelling or workplace, or if the victim is unlawfully attempting to remove a person against his or her will from a dwelling, workplace or vehicle, regardless of whether it is the shooter’s dwelling, workplace, or vehicle, and regardless of whether anyone is in actual danger.\textsuperscript{115}

The shooter has immunity from civil suits claiming relief based on the death or injury of the person he or she intended to shoot.\textsuperscript{116} The Michigan statute also requires that the victim pay the shooter’s attorney’s fees and costs if the victim brings a civil suit from which the shooter is immunized.\textsuperscript{117}
Governor Haley Barbour signed Mississippi’s Stand Your Ground bill into law on March 27, 2006. As long as the shooter is in a place he or she has a right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — a shooter in Mississippi need not retreat prior to using deadly force to defend himself or herself or another from serious bodily harm or to stop or prevent certain crimes, even if shooter has a clear opportunity to safely leave the area.\(^{118}\) The shooting is presumed to be lawful if the victim unlawfully and forcibly entered a dwelling, workplace, or occupied vehicle, or if the victim unlawfully attempted to remove a person against his will from a dwelling, workplace, or vehicle, regardless of whether it was the shooter’s dwelling, workplace, or vehicle, and regardless of whether anyone was in actual danger.\(^{119}\)

The shooter has blanket immunity from all civil suits, including those brought by innocent bystanders. If a person, including an innocent bystander, does bring suit against a shooter protected by Mississippi’s Stand Your Ground law, that person is required to pay the shooter’s attorney’s fees and costs, along with compensation for lost income and any other expenses.\(^{120}\)

Governor Brian Schweitzer signed Montana’s Stand Your Ground bill into law on April 27, 2009. A shooter in Montana does not have to retreat prior to using lethal force to defend himself or herself or another from serious bodily harm or to stop or prevent certain crimes anywhere he or she may lawfully be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area.\(^{121}\) Montana’s statute allows a shooter to kill another in self-defense even if he or she used deadly force to initially provoke the confrontation.\(^{122}\)

The shooter has immunity from civil suits claiming relief based on the injury to the person whom he or she intended to shoot.\(^{123}\) The Montana statute also requires that the victim pay the shooter’s attorney’s fees and costs if the victim brings a civil suit from which the shooter is immunized.\(^{124}\)
Governor Brian Sandoval signed Nevada’s Stand Your Ground bill into law on May 19, 2011, after it passed in both the Assembly and the Senate. A shooter in Nevada does not have to retreat prior to using lethal force to defend himself or herself or another from serious bodily harm or to stop or prevent certain crimes anywhere he or she has a right to be — even if the shooter has a clear opportunity to safely leave the area.\textsuperscript{125} This includes public places like playgrounds, parks, sidewalks, and roadways.

Governor John Lynch vetoed New Hampshire’s Stand Your Ground bill on September 14, 2011, after it passed in both the Senate and the House. On September 14, 2011, New Hampshire’s legislature overrode Governor Lynch’s veto to enact the state’s Stand Your Ground Law. A shooter in New Hampshire need not retreat prior to using deadly force to defend himself or herself or another from serious bodily harm or to stop or prevent certain crimes anywhere he or she has a right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area.\textsuperscript{126}

The shooter has immunity from civil suits claiming relief based on the injury to the person whom he or she intended to shoot.\textsuperscript{127} The New Hampshire statute also requires that the victim pay the shooter’s attorney’s fees and court costs and that the victim compensate the shooter for lost income and other expenses if the victim brings a civil suit from which the shooter is immunized.\textsuperscript{128}
North Carolina Governor Beverly Perdue signed the state's Stand Your Ground bill into law on May 23, 2011. A shooter in North Carolina does not have to retreat prior to using lethal force to defend himself or herself or another from serious bodily harm anywhere he or she has a lawful right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area. In some situations, North Carolina's statute allows a person to kill another in self-defense even if he or she used deadly force to initially provoke the confrontation.

The shooting is presumed to be lawful if the victim unlawfully and forcibly entered, or attempted to remove a person from a dwelling, workplace, or occupied vehicle, regardless of whether anyone was in actual danger. In addition, if a person unlawfully and by force enters, or attempts to enter an occupied vehicle, workplace, or dwelling, that person is presumed to be doing so in order to commit a violent crime, regardless of the specific facts of the case or the person's age or actual intent.

A shooter who claims self-defense is immune from criminal prosecution under North Carolina law. States with similar statutes have found that a shooter who is charged with a crime is entitled to a pre-trial immunity hearing in which a judge must make factual determinations typically left to a jury. If the shooter wins, the case is dismissed; if the shooter loses, the case is heard a second time, this time by a jury.

The Oklahoma statute also immunizes the shooter from all civil suits, including those brought by innocent bystanders. If a person, including an innocent bystander, does bring suit against a shooter who is immunized, that person is required to pay the shooter's attorney's fees and costs, along with compensation for lost income and any other expenses.

Governor Brad Henry signed Oklahoma's Stand Your Ground law on May 15, 2006, and the law was expanded further in 2011. A shooter in Oklahoma does not have to retreat prior to using lethal force to defend himself or herself or another from serious bodily harm or to stop or prevent certain crimes anywhere he or she has a right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area. The shooting is presumed to be lawful if the victim unlawfully and forcefully entered a dwelling, occupied vehicle, or workplace, or if the victim attempted to remove a person against his will from a dwelling, vehicle, or workplace, regardless of whose dwelling, vehicle, or workplace it was and regardless of whether anyone was in actual danger.

The shooter is immune from criminal arrest and prosecution under Oklahoma law and cannot be arrested unless police have probable cause to believe that he or she was not acting in self-defense. States with similar statutes have found that a shooter who is charged with a crime is entitled to a pre-trial immunity hearing in which a judge must make factual determinations typically left to a jury. If the shooter wins, the case is dismissed; if the shooter loses, the case is heard a second time, this time by a jury.

The Oklahoma statute also immunizes the shooter from all civil suits, including those brought by innocent bystanders. If a person, including an innocent bystander, does bring suit against a shooter who is immunized, that person is required to pay the shooter's attorney's fees and costs, along with compensation for lost income and any other expenses.
Pennsylvania’s Stand Your Ground statute was signed into law by Governor Tom Corbett on June 28, 2011. A shooter in Pennsylvania may use deadly force to defend himself or herself or another from serious bodily harm or to stop or prevent certain crimes without retreating anywhere he or she has a right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — if the victim displays a deadly weapon. The weapon does not have to be a firearm, so the shooter may fire and kill the victim even if the victim is armed only with a baseball bat and the shooter could safely leave the area.

It is presumed that the shooting is justified if the victim was unlawfully entering a dwelling or occupied vehicle, regardless of whether it was the shooter’s dwelling or occupied vehicle and even if no one was in actual danger. The shooter has immunity from civil suits claiming relief based on the death or injury of the person whom he or she intended to shoot. The Pennsylvania statute also requires that the victim pay the shooter’s attorney’s fees and court costs, along with compensation for lost income and other expenses, if the victim brings a civil suit from which the shooter is immunized.

After passing unanimously in both the House and the Senate, South Carolina’s Stand Your Ground bill was signed into law on June 9, 2006 by Governor Mark Sanford. South Carolina now has one of the broadest self-defense laws in the country. The shooter has no duty to retreat prior to using deadly force to defend himself or herself or another from serious bodily harm, or to stop or prevent certain crimes anywhere the shooter has a right to be — including public spaces like playgrounds, parks, sidewalks and, roadways — even if the shooter has a clear opportunity to safely leave the area.

It is presumed that the shooting is justified if the shooter reasonably believes that the victim is unlawfully entering a dwelling or occupied vehicle, regardless of whether it is the shooter’s dwelling or occupied vehicle and regardless of whether the shooter’s belief is correct. A shooter in South Carolina is immune from criminal prosecution and cannot be arrested unless police have probable cause to believe that he or she was not acting in self-defense. After being charged, the shooter is entitled to a pre-trial immunity hearing in which a judge must make factual determinations typically left to a jury. If the shooter wins, the case is dismissed; if the shooter loses, the case is heard a second time, this time by a jury.

The South Carolina statute also immunizes the shooter from all civil suits, including those brought by innocent bystanders. If a person, including an innocent bystander, does bring suit against a shooter who is immunized, that person is required to pay the shooter’s attorney’s fees and costs, along with compensation for lost income and any other expenses.
Governor M. Michael Rounds signed South Dakota's Stand Your Ground bill into law on February 17, 2006. A shooter in South Dakota has the right to use lethal force to defend himself or herself or certain family members from serious bodily harm or to stop or prevent certain crimes without retreating anywhere he or she has a right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area. There is no requirement that the shooter be engaged in lawful conduct immediately prior to, or at the time of, the shooting.

Since 2007, four bills signed by two governors have expanded Tennessee’s self-defense laws. A shooter in Tennessee does not have to retreat prior to using lethal force to defend himself or herself or another from serious bodily harm anywhere he or she has a lawful right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area. Tennessee’s statute allows a person to kill another in self-defense even if he or she used deadly force to initially provoke the confrontation. A shooting is presumed to be lawful if the victim unlawfully and forcibly entered a dwelling, workplace, or occupied vehicle, regardless of whether it is the shooter’s property or whether anyone was in actual danger.

The shooter has immunity from civil suits claiming relief based on the death of, or injury to, the person whom he or she intended to shoot. The Tennessee statute also requires that the victim pay the shooter’s attorney’s fees and court costs and that the victim compensate the shooter for lost income and other expenses if the victim brings a civil suit from which the shooter is immunized.
Governor Rick Perry signed Texas' Stand Your Ground law on March 27, 2007, giving Texas one of the broadest self-defense statutes in the country. A shooter in Texas has no duty to retreat prior to using deadly force to defend himself or herself or another from serious bodily harm or to stop or prevent certain crimes anywhere he or she has a right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area. No matter where the shooter is, his use of deadly force is presumed to be lawful if he or she "had reason to believe" that the victim was committing one of a list of enumerated felonies. Texas law gives the shooter immunity from all civil suits, including those brought by innocent bystanders.

Governor Joe Manchin signed West Virginia's Stand Your Ground bill into law on March 12, 2008. A shooter in West Virginia has no duty to retreat before using lethal force to defend himself or herself or another from serious bodily harm anywhere he or she has a right to be — including public spaces like playgrounds, parks, sidewalks, and roadways — even if the shooter has a clear opportunity to safely leave the area. The West Virginia law immunizes the shooter from civil suits claiming relief based on the death or injury of the person whom he or she intended to shoot.
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8. See supra note 7, at § 480.


13. See id.

14. See EFFECTS OF STAND YOUR GROUND LAWS.

15. Id.

16. Wharton, supra note 7, at § 480.

17. Id at §§ 480, 485.

18. Id at §§ 543-44.


22. Id.


32. Alabama: Code of Ala. § 13A-3-23(3)(a); Arizona: A.R.S. § 13-411(A); Florida: Fla. Stat §§ 776.031, 776.08; Georgia: O.C.G.A. § 16-3-23(3); Kentucky: KRS § 503.080(2)(b).


In doing so, Stand Your Ground laws grant a unique status to claims of self-defense. There are many defenses – e.g., necessity, entrapment, insanity – that a defendant can raise at trial that would relieve him or her of criminal responsibility for actions that would otherwise constitute a crime. Until the advent of Stand Your Ground laws, self-defense ranked among them, but these provisions single out self-defense and create a new type of procedural mechanism to determine whether self-defense applies.


For example, in one Florida case, Dennis Sosa Palma, who had fatally stabbed his brother during a 2010 brawl, waited more than two years for a favorable determination on immunity. David Ovalle, "Miami-Dade judge tosses murder charge based on self-defense," The Miami Herald, August 17, 2012 at http://www.miamiherald.com/2012/08/17/2956670/miami-dade-judge-tosses-murder.html.

In the methodology section, the four states that enacted Stand Your Ground laws after 2011 (NC, NH, NV, and PA) are considered "no change" states for purposes of this study because they did not have a Stand Your Ground law in effect during the study period. Three states were excluded entirely because they either enacted Stand Your Ground laws too late in the study period to provide sufficient data (MT and WV) or did not report justifiable homicide data to the FBI (NY).


As explained in the "methodology" section, the four states that enacted Stand Your Ground laws after 2011 (NC, NH, NV, and PA) are considered "no change" states for purposes of this study because they did not have a Stand Your Ground law in effect during the study period. Three states were excluded entirely because they either enacted Stand Your Ground laws too late in the study period to provide sufficient data (MT and WV) or did not report justifiable homicide data to the FBI (NY).


Note that this study looked at all homicides, as opposed to the Roman and Downey study, supra note 54, which studied only those homicides that were deemed justifiable.


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