

Talking Points: Nash/Ruud  
Stand Your Ground Bill (HF0238/SF0292)



This extreme bill will allow people to “shoot first, ask questions later,” and represents a risk to people of color and immigrants. A person could shoot someone simply because he felt afraid, even if there was no actual threat.

#### SUMMARY OF THE BILL

This Stand Your Ground bill will change Minnesota’s existing authorized use of force law by removing the obligation to retreat from danger before using deadly force in all instances, including outside the home.

If passed, it will be admissible to use deadly force any place and anytime a person **subjectively** believes their life to be threatened, except against peace officers. The presumption of innocence will be given to the shooter, while burden of proof for prosecution will be with the state.

#### WHY THIS BILL IS SO DANGEROUS

Minnesota law currently allows individuals to use deadly force in self-defense from grievous bodily harm or death. However, it’s an objective standard: the shooter has to be able to prove it was justified. This bill removes the obligation to retreat and specifically gives the presumption of innocence to the shooter—setting a completely **subjective** standard. All the shooter has to do is claim that he feared for his life.

The Stand Your Ground bill represents a **particular threat** to people of color and immigrants, who are often met with suspicion by Minnesotans. If it passes, almost any shooting could be justified because the shooter “felt threatened,” even if the “threat” was a hoodie or a hijab. Racial bias and inconsistency in the implementation of these laws is a widespread phenomenon. In Stand Your Ground states, white killers are 354% more likely to be found innocent if the victim is black than if the victim is white. (*Frontline/PBS, using FBI data, 2012*)

In Stand Your Ground states the number of cases is increasing, largely because defense attorneys are using the statute in ways state legislators never envisioned. People often go free under Stand Your Ground in cases that seem to make a mockery of what lawmakers intended. (*Tampa Bay Times, 2012*)

#### THIS BILL WILL NOT MAKE MINNESOTA SAFER!

- Currently, 24 states have Stand Your Ground laws, and each one has a higher rate of gun deaths than Minnesota. Minnesota’s rate is 6.6 per 100,000 people. The average rate of gun deaths in the 24 states with Stand Your Ground is 14.3 per 100,000 – more than twice Minnesota’s rate. (*Protect Minnesota*)
- A study of 20 states that have enacted Stand Your Ground laws showed no evidence of crime deterrence--rates of burglary, robbery, and aggravated assault have not been affected by these laws. On the other hand, homicides in those states have increased by around 8%. (*National Bureau of Economic Research, 2012*)
- Guns are rarely used to kill criminals or stop crimes. Between 2009-2013, for every ONE use of a gun in justifiable homicide for self-defense, there were 37 uses of guns in criminal homicides. (*Violence Policy Center, 2016*)
- The implementation of Florida’s stand your ground law was associated with a 24.4% increase in homicide and a 31.6% increase in firearm-related homicide. (*JAMA, 2017*)
- On average, Stand Your Ground states have experienced a 53% increase in homicides deemed legally “justifiable” in the years following passage of the law, compared to a 5% decrease in states without Stand Your Ground laws. (*National Urban League, 2013*)