

Talking Points: SF72/HF201
Ruud/Grossell
Stand Your Ground Bill



This extreme bill will allow people to “shoot first, ask questions later,” and represents a serious risk to people of color, immigrants and all Minnesotans. 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.

Stand Your Ground laws upend centuries of traditional self-defense doctrine and threaten public safety by encouraging armed vigilantism, allowing a person to kill another person in a public area even when they can clearly and safely walk away from the danger.

This bill is unnecessary

Minnesota law allows individuals to use deadly force in self-defense from grievous bodily harm or death. There is nothing confusing about it: Minnesotans can already use deadly force in self-defense. However, current law establishes an objective standard: the shooter is required to prove the shooting was justified.

This bill removes the obligation to retreat in all situations and gives the presumption of innocence to the shooter, setting a completely **subjective** standard. All the shooter must do to justify killing another human being is claim that he felt threatened, whether or not the threat was real. The bill also authorizes use of deadly force when responding to any attempted felony on private property--in effect establishing the death sentence for attempting to steal a bike out of a garage.

This bill will put Minnesotans at risk

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. *Source: Frontline/PBS, using FBI data, 2012*

This bill also puts anyone whose behavior is unusual at risk, such as those with **mental illness** or **autism**. Although the gun lobby would like us to believe that the mentally ill are the primary perpetrators of gun violence, actually they are much more likely to be victims. Their behavior can seem “scary” – and this bill gives Minnesotans the right

to shoot “scary” people. The same is true for home health care workers, meter readers, pizza deliverers, repair people, census takers, and kids whose Frisbee ends up in a neighbor’s garden; *anyone* who has to cross a property line or knock on a stranger’s front door would be put at risk if someone in the home felt “threatened” by their presence.

In Stand Your Ground states the number of these cases is increasing, in part 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. In a 2008 case in Tallahassee, FL, two rival gang members successfully used the Stand Your Ground defense after a shoot-out in which a 15-year old bystander was killed by stray bullets. *Sources: Tampa Bay Times, 2012 and Huffington Post, 2013*

This bill will NOT make Minnesota safer!

Currently, 27 states have Stand Your Ground laws, and every one of them has a higher rate of gun deaths than Minnesota. Minnesota’s rate is 8.2 per 100,000 people. The average rate of gun deaths in the 27 states with Stand Your Ground is 16.5 per 100,000 – more than twice Minnesota’s rate. *Source: <https://wonder.cdc.gov>*

Numerous respected studies of the effects of Stand Your Ground laws have shown that they actually *increase* gun violence.

- 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%. *Source: National Bureau of Economic Research, 2012.*
- 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. *Source: National Urban League, 2013.*
- At least 30 people nationwide are killed each month as a result of Stand Your Ground laws. *Source: McClellan C, Tekin, E. Stand Your Ground laws, homicides, and injuries. Journal of Human Resources. 2017; 52(3): 621-653.*
- Stand Your Ground laws are also associated with an increase in firearm injuries resulting in emergency room visits and hospitalizations. *Source: McClellan CB, Tekin E. Stand your ground laws, homicides, and injuries. National Bureau of Economic Research. 2012.*
- 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. *Source: JAMA, 2017.*
- Florida’s Stand Your Ground law was also associated with bringing violence into suburban counties that were previously considered safe. In fact, the Stand Your Ground law had the most negative impact on neighborhoods that initially had the lowest homicide rates before the law was enacted. *Source: Ukert B, Wiebe DJ, Humphreys DK. Regional differences in the impact of the “Stand Your Ground” law in Florida. Preventative Medicine. 2018; 115: 68-75.*
- 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. *Source: Violence Policy Center, 2016.*