

# SHOOT FIRST

**'STAND YOUR GROUND' LAWS AND THEIR EFFECT ON  
VIOLENT CRIME AND THE CRIMINAL JUSTICE SYSTEM**



National  
Urban League



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## EXECUTIVE SUMMARY

INTRODUCTION

WHAT ARE STAND YOUR GROUND LAWS?

HOW DO STAND YOUR GROUND LAWS  
CHANGE EXISTING LAW?

EFFECTS OF STAND YOUR GROUND LAWS

CONCLUSION



# EXECUTIVE SUMMARY

On July 13, 2013, George Zimmerman was acquitted of all charges in the death of Trayvon Martin, an unarmed black teenager whom Zimmerman had shot and killed the previous year. The jury, based on Florida's law, was instructed:

“If George Zimmerman was not engaged in an unlawful activity and was attacked in any place where he had a right to be, he had no duty to retreat and had the right to stand his ground and meet force with force...”<sup>1</sup>

One of the jurors stated publicly that “Stand Your Ground,” Florida's expansive self-defense statute, was a key factor in the jury's verdict.<sup>2</sup>

Martin's death and Zimmerman's acquittal drew attention to "Stand Your Ground" or "Shoot First" laws, which have proliferated since the NRA successfully lobbied the Florida legislature to pass the first in 2005. These laws are now on the books in 22 states.<sup>3</sup> Since the shooting of Trayvon Martin, legislators in at least 11 states — including Florida — have introduced legislation to repeal or scale back their Stand Your Ground laws. On June 7, 2012, Louisiana became the first state to pass reform legislation.<sup>4</sup> Leaders in Florida convened two task forces to assess how these laws affect public safety, and the U.S Commission on Civil Rights launched a special investigation into the association between racial bias and Stand Your Ground laws. More recently, the United States Senate and the Florida House of Representatives have announced that they will hold hearings to review these laws and their implications.

This report provides a comprehensive review of Stand Your Ground laws and how they have affected public safety and the criminal justice system. It explains how Stand Your Ground statutes have dramatically expanded the circumstances under which people are permitted to use deadly force and have created legal hurdles that make it more difficult for law enforcement to hold shooters accountable. The report also shows that Stand Your Ground states have on average experienced a 53% increase in homicides deemed justifiable in the years following passage of the law, compared with a 5% decrease in states without Stand Your Ground statutes during the same period — an increase disproportionately borne by the black community. Finally, the report provides a state-by-state analysis of each of the 22 state Stand Your Ground laws.

## EXECUTIVE SUMMARY

### INTRODUCTION

### WHAT ARE STAND YOUR GROUND LAWS?

### HOW DO STAND YOUR GROUND LAWS CHANGE EXISTING LAW?

### EFFECTS OF STAND YOUR GROUND LAWS

### CONCLUSION

## INTRODUCTION

When George Zimmerman shot an unarmed 17-year-old named Trayvon Martin on February 26, 2012 in Sanford, Florida, police initially declined to file charges against the shooter, arguing that they were unable to refute Zimmerman's claim of self-defense. Sanford city officials gave the following explanation: "By Florida Statute, law enforcement was PROHIBITED from making an arrest based on the facts and circumstances they had at the time." The city cited Florida's "Stand Your Ground" statute, which had become law in 2005.<sup>5</sup>

Long before the recent advent of Stand Your Ground laws, traditional self-defense principles gave Americans the legal right to "stand their ground" and use non-deadly force to protect themselves from an attacker, as long as their use of force was reasonably necessary.<sup>6</sup> Prior to using deadly force, however, people generally had a legal "duty to retreat" or take other measures to avoid taking another person's life if they could do so safely.<sup>7</sup> Like other areas of law, this principle encouraged the use of non-deadly force, and favored de-escalation of conflicts when that was possible. Deadly force was legally justified — but only as a means of last resort.<sup>8</sup>

A narrow exception to this rule, the Castle Doctrine, has existed for centuries.<sup>9</sup> This principle holds that a person has no duty to retreat before using deadly force if the conflict takes place in his or her own home — the "castle."<sup>10</sup>

Stand Your Ground laws, which have upended traditional self-defense law, are statutes that allow people to use deadly force in public places, even if they can avoid the conflict by safely leaving the area. Though often labeled "Castle Doctrine Acts," Stand Your Ground laws are not about the right to defend oneself at home. Instead, they expand that narrow exception to apply everywhere, making it the rule instead of the exception.<sup>11</sup> Under these laws, everyday confrontations in bars, on highways, even in parks and playgrounds, can — and do — escalate into deadly shootouts.<sup>12</sup> And those responsible for taking a life in Stand Your Ground states have, in many instances, evaded prosecution and conviction by asserting that they acted in self-defense.<sup>13</sup>

States that have adopted Stand Your Ground laws have experienced increased rates of overall homicides, firearm-related homicides,<sup>14</sup> and "justifiable homicides." This report will show that justifiable homicides increased by 53% in states with Stand Your Ground laws, while decreasing by 5% in states without these laws. After Florida passed its law, for example, its justifiable homicide rate rose 200%.

The impact on the African American community has been particularly dramatic. Among people shot to death in the black population in states with Stand Your Ground laws, the rate of those homicides found to be justifiable more than doubled between 2005 and 2011, while it fell in the rest of the country.

## WHAT ARE STAND YOUR GROUND LAWS?

Criminal laws in our country have always safeguarded the right of self-defense, permitting the use of force to fend off an attack when reasonably necessary.<sup>16</sup> Before resorting to deadly force, however, people have generally been required to use a lesser degree of force or avoid the confrontation.<sup>17</sup> A centuries-old exception to this "duty to retreat" — the Castle Doctrine — applies in the home, where people are legally allowed to "stand their ground" and use deadly force against intruders without any obligation to retreat.<sup>18</sup>

Florida passed a law in April 2005 that applied this "stand your ground" principle to all public places.<sup>19</sup> Under this law, people have no obligation to de-escalate confrontations or walk away as an alternative to using deadly force.

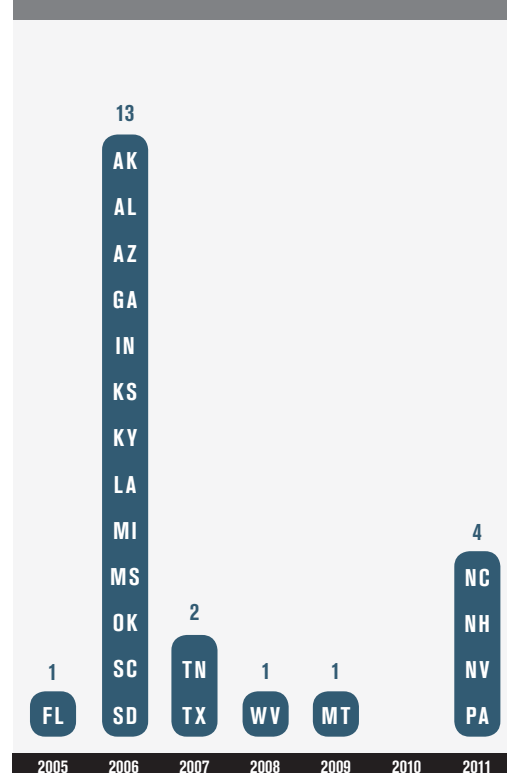
Marion Hammer, a former president of the National Rifle Association (NRA) and its chief Florida lobbyist in 2005, helped draft and pass the legislation.<sup>20</sup> Soon after, the American Legislative Exchange Council (ALEC) — a national coalition of conservative state legislators and corporations — adopted a model law based on Florida's statute. At the time, the NRA was a paid sponsor of ALEC, and an NRA official served as co-chair of the ALEC committee that adopted the model law.<sup>21</sup> Legislators connected to ALEC and the NRA soon began introducing Stand Your Ground laws in states across the country.<sup>22</sup>

Though ALEC titled its model law the “Castle Doctrine Act,” the law actually removes the castle concept by allowing people to use deadly force anywhere they have a right to be, even if there is an obvious, easy, and safe opportunity to leave the danger zone.

Critics argue that these laws encourage armed vigilantism by granting ordinary citizens greater latitude to use deadly force than the law gives even to U.S. soldiers and law enforcement officers. While soldiers and police are trained to defuse confrontations and are required to use deadly force only as a last resort, under Stand Your Ground laws, citizens have no such obligation.<sup>23</sup>

Since 2005, 22 states have passed these laws.

**States Enacting Stand Your Ground Laws by Year**



While at least seven additional states had Stand Your Ground legislation pending at the time of Trayvon Martin’s death, none of these bills have become law.<sup>24</sup> Since then, at least 11 states, including Florida, have introduced legislation to repeal or scale back their laws,<sup>25</sup> and one of these reform bills passed in Louisiana.<sup>26</sup> Some legislators have said they intend to introduce new Stand Your Ground legislation in the 2013 or 2014 sessions.

## HOW DO STAND YOUR GROUND LAWS CHANGE EXISTING LAW?

ALEC’s model Stand Your Ground law and the Florida law on which it was based contain seven key components that distinguish them from traditional self-defense doctrine. Some states have adopted all seven elements, while others have adopted varying combinations of them. For the purposes of this report, a state is only considered a Stand Your Ground state if its statute allows a person to use deadly force – e.g., shoot someone – anywhere the shooter has a right to be, even when there is a clear and safe opportunity to avoid a dangerous situation.

### ALLOWING PEOPLE TO STAND THEIR GROUND IN PUBLIC

Stand Your Ground states give shooters the right to use deadly force even when there is a safe opportunity to retreat, as long as they are in any place they have a right to be. An additional three states – which are not classified as Stand Your Ground states for the purposes of this report – expand the “Castle Doctrine” only to the shooter’s vehicle,<sup>27</sup> allowing a driver to shoot someone when threatened in his or her car instead of simply driving away.

### PERMITTING DEADLY FORCE IN DEFENSE OF PROPERTY

At least nine Stand Your Ground states<sup>28</sup> have statutes that allow a shooter to kill a person to defend property, even if no one is in physical danger – and, in at least one state, even if the perpetrator is fleeing.<sup>29</sup>

The statutes that allow deadly force to be used to defend property fall into two broad categories. Four states allow deadly force to be used to protect personal property, such as money, cell phones, and cameras.<sup>30</sup> This can result in the legally justified killing of people even when the compromised property is of very little value.<sup>31</sup> Six states permit the use of deadly force to prevent the burglary of an unoccupied building, even if the shooter does not own or control the building, and even if the shooter knows that no one is inside or otherwise in danger.<sup>32</sup>

Though proponents of these laws claim that they deter criminals, the evidence indicates other-

## EXECUTIVE SUMMARY

### INTRODUCTION

#### WHAT ARE STAND YOUR GROUND LAWS?

#### HOW DO STAND YOUR GROUND LAWS CHANGE EXISTING LAW?

#### EFFECTS OF STAND YOUR GROUND LAWS

### CONCLUSION

wise. A recent study by Texas A&M University economists found that rates of burglary and robbery are unaffected by the passage of Stand Your Ground laws.<sup>33</sup> Meanwhile, as this report explains, states that have passed these laws have experienced increased homicide rates.

#### **CREATING PRESUMPTIONS THAT SHOOTINGS ARE LAWFUL**

Beyond expanding the Castle Doctrine to apply outside the home, the Stand Your Ground laws in 14 states also alter traditional doctrine by creating a legal presumption that shooters in certain locations, such as their home or vehicle, are justified in their use of deadly force.<sup>34</sup> In two states — Arizona and Texas — these presumptions apply everywhere.

Under traditional American legal principles, a defendant is presumed innocent and the government's prosecutors are required to convince a jury beyond a reasonable doubt that the defendant committed the crime in question.

Layered on top of this exacting "beyond a reasonable doubt" standard, Stand Your Ground presumptions are often effectively irrefutable. If the victim is dead, and there are no other witnesses to contradict the shooter's claims, the presumption forces authorities to take the shooter at his or her word, regardless of how unlikely and unsubstantiated the shooter's version of events may be. Additional evidence may be impossible to obtain if the victim was killed and there were no eyewitnesses to or video recordings of the shooting.

#### **CRIMINAL IMMUNITY, PART I: PREVENTING THE ARREST OF SHOOTERS**

Typically, police can arrest a person if they have "probable cause" — essentially, a reasonable belief — that he or she has committed a crime, such as shooting another person.<sup>35</sup> However, Stand Your Ground laws in six states forbid police from arresting a shooter who claims self-defense unless they find evidence to disprove the shooter's claim.<sup>36</sup> This heightened standard for making an arrest — and, in three states, for even detaining a suspect<sup>37</sup> — puts a significant roadblock in front of law enforcement because police often start accumulating evidence by interviewing the shooter, and a shooter who is presumed to have acted lawfully has little incentive to cooperate with an investigation. If the victim is dead and there are no other witnesses, it may be impossible for the police to proceed with the investigation.

Stand Your Ground laws provide law enforcement with little guidance for how to evaluate the validity of a suspect's self-defense claim,<sup>38</sup> and instead expose officers to the prospect of a wrongful arrest lawsuit for improperly detaining a

suspect who has claimed self-defense.<sup>39</sup> Additionally, as a recent Tampa Bay Times study demonstrated, courts have difficulty determining when arrests and prosecutions are proper, leading to confusion and inconsistent decisions.<sup>40</sup> This uncertainty creates a chilling effect, making police less likely to arrest, and prosecutors less likely to prosecute, shooters who claim self-defense.

#### **CRIMINAL IMMUNITY, PART 2: IMMUNITY HEARINGS**

Stand Your Ground laws in eight states shield a shooter from criminal prosecution even after an arrest is made.<sup>41</sup> State courts have interpreted these criminal immunity provisions to entitle a shooter to a pretrial "immunity hearing" — a procedure during which each party presents evidence to a judge who determines if the shooter acted in self-defense. If the judge finds it more likely than not that the defendant acted in self-defense, the case is dismissed. Otherwise, the case proceeds to trial.<sup>42</sup> Such immunity hearings alter traditional criminal procedure by requiring a judge to make factual determinations usually left to a panel of jurors.

The distinction between judge and jury can be significant. The jury — with its breadth and diversity of opinions, experiences, and backgrounds — generally determines what evidence to believe and disbelieve. Self-defense cases, in particular, often turn on only a few crucial facts.<sup>43</sup> In most states, a jury must decide those facts. The immunity provisions found in Stand Your Ground laws effectively overturn this rule in self-defense cases by requiring factual disputes to be decided by a judge instead of by "the people" — a jury of one's peers.<sup>44</sup>

The purpose of granting "criminal immunity," according to Representative Dennis Baxley, who sponsored Florida's Stand Your Ground law in the Florida House of Representatives, was to protect law-abiding citizens from uncertainty while they wait for the government to decide whether to prosecute them for shootings they claimed were in self-defense.<sup>45</sup> In practice, however, immunity provisions do not accomplish this goal. Shooters continue to wait — sometimes years — for a decision.<sup>46</sup> In fact, if the shooter is prosecuted, the case may take even longer to resolve than under the traditional regime: If the judge decides the shooter is not entitled to criminal immunity, the case then proceeds to a jury trial, effectively lengthening the process and giving the shooter two trials instead of one. The difference is often not in the time spent awaiting a decision, but in whether the case is decided by a judge or a jury.

## CIVIL IMMUNITY: PROHIBITING CIVIL LAWSUITS

Our civil justice system provides avenues for injured parties to seek redress for harms they have suffered. Shooting victims and their families traditionally have the ability to file a civil lawsuit for monetary damages to compensate for injuries like lost wages, medical costs, and pain and suffering. To prevail, the injured party must generally show by a “preponderance of the evidence” (i.e., that it is more likely than not) that the defendant’s actions violated the law and caused harm. This standard of proof is much easier to meet than the exacting “beyond a reasonable doubt” standard in criminal cases and provides some measure of justice where the proof of guilt was substantial, but not strong enough to satisfy the criminal standard. Of the 22 Stand Your Ground states examined in this report, 19 effectively bar civil lawsuits against shooters protected by Stand Your Ground laws.

These so-called “civil immunity” laws take different forms. Eleven states have statutes that create immunity from all civil suits arising from the “lawful” use of force.<sup>47</sup> Often referred to as “blanket” immunity, these provisions prevent all suits against the shooter, including suits brought by innocent bystanders who may have been injured. Eight states have more limited civil immunity provisions that shield the shooter only from suits brought by the intended victim and his or her survivors, implicitly allowing innocent bystanders to sue.<sup>48</sup>

In addition, 12 states award attorney’s fees and litigation costs to a shooter who prevails in a civil suit, creating a strong disincentive for a shooting victim to pursue justice in the civil system.<sup>49</sup> These cost-shifting provisions only work in one direction: They award attorney’s fees if the shooter prevails, but not if the injured party prevails.

## EFFECTS OF STAND YOUR GROUND LAWS

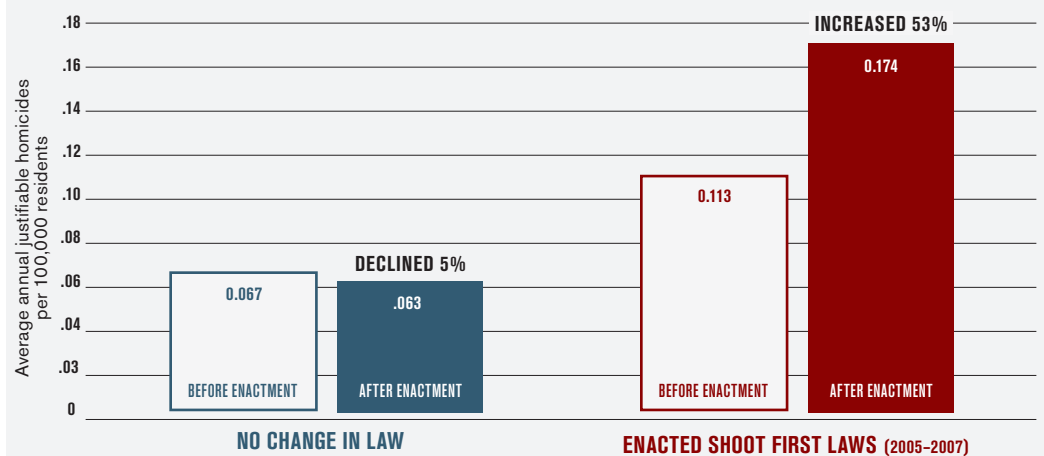
The Trayvon Martin shooting prompted an outpouring of research examining the effect of Stand Your Ground laws on public safety. Original research presented here shows that states that passed these laws experienced a sharp increase in justifiable homicides, while states without these laws saw a small decline over the same period. Other studies have shown an association between Stand Your Ground laws and increases in both overall homicides and firearm-related homicides.<sup>50</sup>

### INCREASE IN JUSTIFIABLE HOMICIDES

A Mayors Against Illegal Guns analysis of FBI data indicates that Stand Your Ground states experienced a striking increase in the number of justifiable homicides committed by private citizens in the years following the laws’ enactment. Other research indicates that this increase is not the result solely of more homicides being classified as “justifiable,” but also of an overall increase in homicides.

In states that passed these laws in 2005-07, the justifiable homicide rate was on average 53% higher in the years after passage of the law than in the years preceding it. (See Figure 1.) By contrast, in states that did not enact Stand Your Ground laws during this period, the justifiable homicide rate fell by 5% on average over the same period.<sup>51</sup>

**FIGURE 1: In states that enacted Stand Your Ground laws, justifiable homicides rose dramatically.**



Source: FBI Uniform Crime Reports, Supplementary Homicide File. Enacted new SYG laws 2005-7: AK, AL, AZ, FL, GA, IN, KS, KY, LA, MI, MS, OK, SC, SD, TN, TX. Did not change law: AR, CA, CO, CT, DE, HI, IA, ID, IL, MA, MD, ME, MN, MO, NC, ND, NE, NH, NJ, NM, NV, OR, PA, RI, UT, VA, VT, WA, WI, WY

EXECUTIVE SUMMARY

INTRODUCTION

WHAT ARE STAND YOUR GROUND LAWS?

HOW DO STAND YOUR GROUND LAWS CHANGE EXISTING LAW?

EFFECTS OF STAND YOUR GROUND LAWS

CONCLUSION

The increase in the number of justifiable homicides was particularly large in Florida, Texas, Georgia, Arizona, and Kentucky: The average annual number of justifiable homicides jumped by 200% in Florida, 54% in Texas, 83% in Georgia, 24% in Arizona, and 725% in Kentucky.<sup>52</sup> (See Figure 2.)

Researchers John Roman and Mitchell Downey at the Urban Institute examined overall homicide data and found that cases resembling the Martin shooting — handgun homicides with a single shooter and victim who are strangers to one another — are twice as likely to be deemed justifiable in Stand Your Ground states as they are elsewhere. According to their study, 7.2% of such homicides in non-Stand Your Ground states were deemed justifiable, while 13.6% of the same type of homicides in Stand Your Ground states were deemed justifiable — nearly twice the share.<sup>53</sup>

DISPARATE RACIAL IMPACT

A Mayors Against Illegal Guns analysis of demographic data shows that the increase in justifiable homicides has disproportionately affected the African American population.<sup>54</sup> The number of both black and white justifiable homicide victims has increased in Stand Your Ground states, but because the rate of victimization among black Americans was already much higher before enactment of Stand Your Ground laws, the subsequent increase has also been more dramatic.<sup>55</sup> (See Figure 3.) Controlling for population, the number of homicides of black people that were deemed

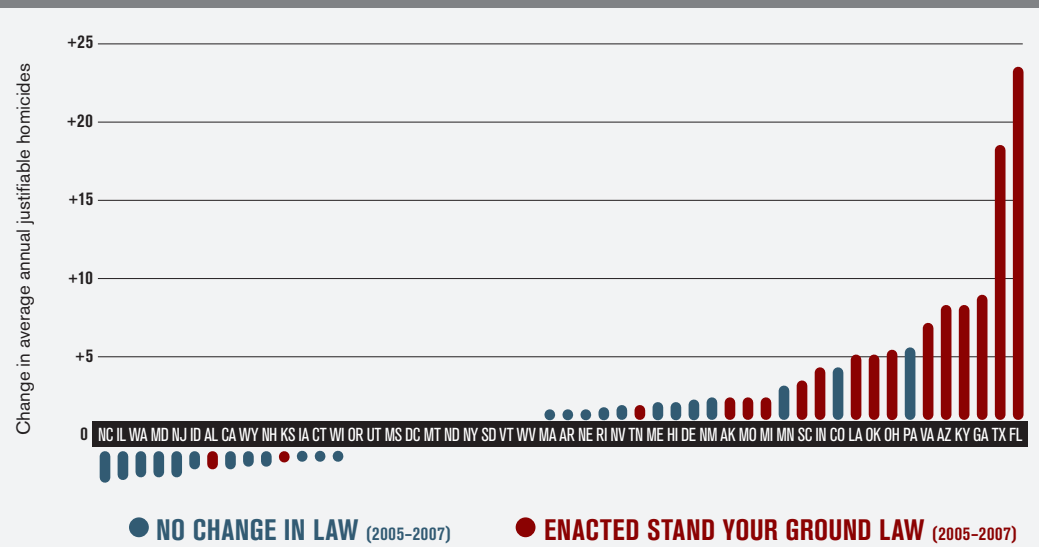
justifiable in Stand Your Ground states more than doubled between 2005 and 2011 — rising from 0.5 to 1.2 per 100,000 people — while it remained unchanged in the rest of the country.<sup>56</sup>

The Urban Institute also examined racial disparities in justified gun homicide rulings that involve a single shooter and victim who are strangers. The researchers found that when white shooters kill black victims, 34% of the resulting homicides are deemed justifiable, while only 3.3% of deaths are ruled justifiable when the shooter is black and the victim is white.<sup>57</sup> This discrepancy does not appear to be affected by the relative ages of or relationship between the shooters and victims. When an older white man shoots a younger black man with whom he had no prior relationship, the shooting is determined justifiable 49% of the time. Yet when the situation is reversed, and an older black man shoots a younger white man with whom he had no previous relationship, the homicide is only judged justifiable 8% of the time.<sup>58</sup>

METHODOLOGY

Although there is no national system for collecting data about cases in which Stand Your Ground laws are invoked as a defense, the Federal Bureau of Investigation (FBI) collects data on the number of “justifiable homicides” committed each year, which it defines as “the killing of a felon during the commission of a felony by a private citizen.” (The FBI has a different category for justifiable homicides committed by law enforcement officers.)

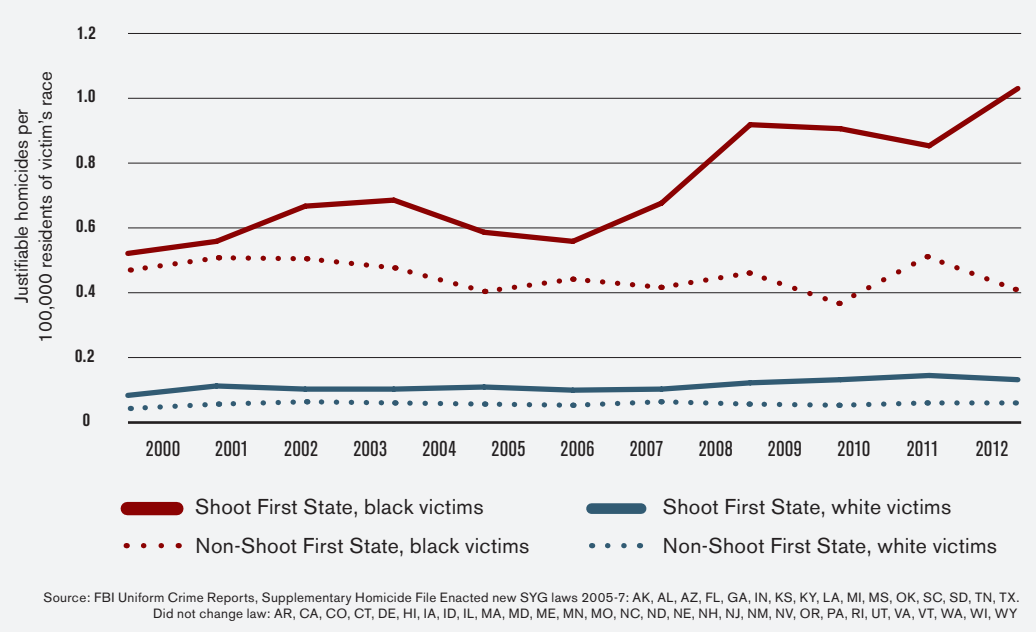
FIGURE 2: Change in average annual justifiable homicides from pre- to post- enactment.



Source: FBI Uniform Crime Reports, Supplementary Homicide File



**FIGURE 3:**  
Justifiable homicide victims per capita in Stand Your Ground and non-Stand Your Ground states.



Mayors Against Illegal Guns conducted a difference-in-difference analysis to evaluate the effect of enacting a Stand Your Ground state law on the number of justifiable homicides committed there. This kind of analysis compares the difference in justifiable homicide rates before and after enactment of Stand Your Ground law in those states that passed them, and then compares those figures to the difference in justifiable homicides over the same period in states that did not pass them. The most recent data available (through 2011) on justifiable homicides was obtained from the FBI's Uniform Crime Reports and the Florida Department of Law Enforcement.

In states that enacted a Stand Your Ground law, the rate of justifiable homicides in the years immediately preceding passage were compared to the rate in the years immediately after. An increase in justifiable homicides between pre- and post-enactment periods would indicate an association between Stand Your Ground laws and the rate of justifiable homicide.

In states that did not enact a Stand Your Ground law, rates of justifiable homicide during equivalent periods were compared. A smaller increase between these periods than in states that enacted Stand Your Ground laws would indicate that the increase in Stand Your Ground states was not the result of factors common to both groups of states, but rather to the Stand Your Ground laws themselves.

Of the 22 states that now have Stand Your Ground laws, most enacted them in 2006, allowing

five subsequent years for the accrual of data on justifiable homicides. Accordingly, this analysis compared the number of justifiable homicides committed in the five-year periods before and after enactment of the laws (2001-2005 and 2007-2011). The same periods were compared in states that did not enact Stand Your Ground laws during the study period. In Florida, which enacted its law in 2005, five-year periods before and after enactment were also compared (2000-2004 and 2006-2010). For the four states that enacted Stand Your Ground laws in 2007, the 2002-2006 and 2008-2011 periods were compared.

The four states that enacted Stand Your Ground laws in 2011 did not have a law in effect throughout the period of comparison and thus were categorized as not having Stand Your Ground laws for the purposes of this analysis. These states are NC, NH, NV, and PA. The two states that enacted laws in 2008-2009 (MT and WV), for which there is insufficient data to be considered in either the Stand Your Ground or non-Stand Your Ground category, are excluded from analysis. The two states that did not report justifiable homicide data to the FBI during part of the study period (DC and NY) are also excluded.

In the final analysis, the 16 states that enacted Stand Your Ground laws and had sufficient data for comparison were compared to the 30 states that did not have Stand Your Ground laws during the same period.

EXECUTIVE SUMMARY

INTRODUCTION

WHAT ARE STAND YOUR GROUND LAWS?

HOW DO STAND YOUR GROUND LAWS CHANGE EXISTING LAW?

**EFFECTS OF STAND YOUR GROUND LAWS**

CONCLUSION

**INCREASE IN OVERALL HOMICIDES**

Other scholarly research provides evidence that Stand Your Ground states experienced increases in overall homicides, supporting a conclusion that Stand Your Ground laws embolden people to use deadly force in situations where they otherwise would have tried to resolve the conflict in other ways (for example, by removing themselves from the situation or using non-deadly force).

Texas A&M University researchers published a study in May 2012 that examined FBI homicide data and controlled for factors that might affect state homicide rates, such as the poverty rate, the number of police, and the region of the country. Holding other factors constant, it found passage of a Stand Your Ground law was associated with either a 7% or 9% increase in total homicides, depending on the statistical method used. It did not find any evidence that rates of burglary, robbery, and aggravated assault were affected by these laws, though supporters of these laws often suggest they deter serious crimes.<sup>59</sup>

In June 2012, the National Bureau of Economic Research released a study, using data from the Centers for Disease Control (CDC) that specifically considered the effect of these laws on firearm-related homicides, rather than all homicides. Controlling for other factors, the study found that passage of a Stand Your Ground law was associated with a 9.2% or 15.6% increase in firearm-related homicides involving white male victims (depending on methodology), while changes in the firearm-related homicide rates for black victims and white female victims were not statistically significant. The authors suggest that the measurable effect on white male victims may be due to the larger share of white males who own firearms.<sup>60</sup>

**CONCLUSION**

There is significant evidence that Stand Your Ground laws undermine public safety and increase overall homicide rates. In light of the laws' impact on public safety, states have begun to consider legislative reforms that would restore some of the traditional principles of self-defense law and clarify provisions of Stand Your Ground laws that have tied the hands of law enforcement.

Stand Your Ground states have introduced the following types of reform legislation:

- Returning to the rule that a person must remove himself or herself from the situation, if he or she can do so safely, before using deadly force—a rule that encourages de-escalation of confrontations when possible;
- Providing that deadly force can only be used when reasonably necessary to prevent or end imminent danger of death or serious bodily injury to a person or to prevent or end arson or certain burglaries—a standard that allows the use of deadly force only when a reasonable person would deem it necessary;
- Removing presumptions of reasonableness or lawfulness;
- Repealing criminal immunity provisions that prevent the arrest and prosecution of killers and usurp the role of juries; and
- Repealing civil immunity provisions, particularly those that prevent innocent bystanders and their families from seeking compensation for their injuries.

In addition, certain changes and clarifications to Stand Your Ground laws could eliminate some of the laws' unintended effects:

- Clarifying that the legal presumptions in the laws are rebuttable by a preponderance of the evidence;
- Clarifying that, when the other person is in retreat, the use of deadly force in self-defense is prohibited and the Stand Your Ground presumptions do not apply;
- Clarifying that, even without a duty to retreat, judges and juries can consider the ability to retreat in determining whether the use of deadly force was necessary;
- Clarifying that the unlawful possession of a firearm constitutes unlawful activity that prevents a person from asserting a Stand Your Ground defense;
- Prohibiting people who initially attack another person with deadly force from later claiming self-defense;
- Clarifying that police must conduct a full investigation even if someone claims immunity; and
- Using grand juries instead of immunity hearings, thereby allowing faster pretrial determinations of self-defense and leaving factual determinations to a panel of grand jurors instead of a judge.

## APPENDIX A: STATES WITH STAND YOUR GROUND LAWS

STATE	DATE LAW SIGNED	NO DUTY TO RETREAT ANYWHERE	NO DUTY TO RETREAT IN DEFENSE OF PROPERTY	PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL	IMMUNITY FROM ARREST OR PROSECUTION	IMMUNITY FROM CIVIL SUITS
AL	4/4/06	x	x	x	x	x
AK	6/15/06	x				x
AZ	4/24/06	x	x	x		x
FL	4/26/05	x	x	x	x	x
GA	4/27/06	x	x		x	x
IN	3/21/06	x				
KS	5/19/06	x	x	x	x	x
KY	4/21/06	x	x	x	x	x
LA	6/2/06	x		x		x
MI	7/18/06	x		x		x
MS	3/27/06	x		x		x
MT	4/27/09	x				x
NV	5/19/11	x	x			
NH	9/14/11	x				
NC	6/23/11	x		x	x	x
OK	5/15/06	x	x	x	x	x
PA	6/28/11	x		x		x
SC	6/9/06	x		x	x	x
SD	2/17/06	x				
TN	5/22/07	x		x		x
TX	3/27/07	x	x	x		x
WV	3/12/08	x				x



# ALABAMA

- NO DUTY TO RETREAT ANYWHERE:**
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:**
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:**
- IMMUNITY FROM ARREST OR PROSECUTION:**
- IMMUNITY FROM CIVIL SUITS:**

**BILL NO.** 2006 AL. SB 283  
**DATE SIGNED** APRIL 4, 2006  
**VOTE COUNTS** 30-2 (S); 82-9 (H)  
**GOVERNOR** BOB RILEY (R)

**BILL NO.** 2013 AL. ALS 283  
**DATE SIGNED** MAY 21, 2013  
**VOTE COUNTS** 25-5 (S); 73-28 (H)  
**GOVERNOR** ROBERT BENTLEY (R)

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.<sup>61</sup>

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.<sup>62</sup> 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.<sup>63</sup>

A shooter who claims self-defense is immune from criminal prosecution under Alabama law<sup>64</sup> and cannot be arrested unless police have probable cause to believe that the shooter was not acting in self-defense.<sup>65</sup> 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.<sup>66</sup> 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.<sup>67</sup>



# ALASKA

- NO DUTY TO RETREAT ANYWHERE:**
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:**
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:**
- IMMUNITY FROM ARREST OR PROSECUTION:**
- IMMUNITY FROM CIVIL SUITS:**

**BILL NO.** 2005 AK. SB 200  
**DATE SIGNED** JUNE 15, 2006  
**VOTE COUNTS** 16-0 (S); 33-0 (H)  
**GOVERNOR** FRANK MURKOWSKI (R)

**BILL NO.** 2013 AK. H.B. 24  
**DATE SIGNED** JUNE 20, 2013  
**VOTE COUNTS** 15-4 (S); 29-4 (H)  
**GOVERNOR** FRANK MURKOWSKI (R)

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.<sup>68</sup>

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.<sup>69</sup>

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.<sup>70</sup> 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.<sup>71</sup>



# ARIZONA

- NO DUTY TO RETREAT ANYWHERE:**
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:**
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:**
- IMMUNITY FROM ARREST OR PROSECUTION:**
- IMMUNITY FROM CIVIL SUITS:**

**BILL NO.** 2006 ARIZ. SB 1145  
**DATE SIGNED** APRIL 24, 2006  
**GOVERNOR** JANET NAPOLITANO (R)

**BILL NO.** 2010 ARIZ. HB 2629  
**DATE SIGNED** MAY 11, 2010  
**VOTE COUNTS** 22-7 (S); 55-2 (H)  
**GOVERNOR** JAN BREWER (R)

**BILL NO.** 2011 ARIZ. SB 1469  
**DATE SIGNED** APRIL 29, 2011  
**VOTE COUNTS** 30-0 (S); 48-11 (H)  
**GOVERNOR** JAN BREWER (R)

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.<sup>72</sup>

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

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.<sup>75</sup> A shooter protected by Arizona's Stand Your Ground statute has immunity from all civil suits, including those brought by innocent bystanders.<sup>76</sup>



# FLORIDA

- NO DUTY TO RETREAT ANYWHERE:**
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:**
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:**
- IMMUNITY FROM ARREST OR PROSECUTION:**
- IMMUNITY FROM CIVIL SUITS:**

**BILL NO.** 2005 FLA. SB 436  
**DATE SIGNED** APRIL 26, 2005  
**VOTE COUNTS** 39-0 (S); 94-20 (H)  
**GOVERNOR** JEB BUSH (R)

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 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.<sup>77</sup> 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.<sup>78</sup>

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.<sup>79</sup> 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.<sup>80</sup> 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.<sup>81</sup> 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 law<sup>82</sup> and cannot be arrested or detained unless police have probable cause to believe that the shooter was not acting in self-defense.<sup>83</sup> 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.<sup>84</sup>

The Florida statute also immunizes the shooter from all civil suits, including those brought by innocent bystanders.<sup>85</sup> 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.<sup>86</sup>



## GEORGIA

- NO DUTY TO RETREAT ANYWHERE:
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:
- IMMUNITY FROM ARREST OR PROSECUTION:
- IMMUNITY FROM CIVIL SUITS:

**BILL NO.** 2005 GA. SB 396  
**DATE SIGNED** APRIL 27, 2006  
**VOTE COUNTS** 40-13 (S); 115-42 (H)  
**GOVERNOR** SONNY PERDUE (R)

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.<sup>88</sup> 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.<sup>89</sup>

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.<sup>90</sup>

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.<sup>91</sup> 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.<sup>92</sup>



## INDIANA

- NO DUTY TO RETREAT ANYWHERE:
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:
- IMMUNITY FROM ARREST OR PROSECUTION:
- IMMUNITY FROM CIVIL SUITS:

**BILL NO.** 2006 IND. HEA 1028  
**DATE SIGNED** MARCH 21, 2006  
**VOTE COUNTS** 44-5 (S); 81-10 (H)  
**GOVERNOR** MITCH DANIELS (R)

**BILL NO.** 2012 IND. SEA 1  
**DATE SIGNED** MARCH 20, 2012  
**VOTE COUNTS** 38-12 (S); 67-26 (H)  
**GOVERNOR** MITCH DANIELS (R)

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.<sup>93</sup>

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.<sup>94</sup> 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.<sup>95</sup>

 **KANSAS**

**NO DUTY TO RETREAT ANYWHERE:**   
**NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:**   
**PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:**   
**IMMUNITY FROM ARREST OR PROSECUTION:**   
**IMMUNITY FROM CIVIL SUITS:**

**BILL NO.** 2005 KAN. SB 366  
**DATE SIGNED** MAY 19, 2006  
**VOTE COUNTS** 39-1 (S); 122-1 (H)  
**GOVERNOR** KATHLEEN SEBELIUS (D)

**BILL NO.** 2009 KAN. SB 381  
**DATE SIGNED** APRIL 19, 2010  
**VOTE COUNTS** 40-0 (S); 119-0 (H)  
**GOVERNOR** MARK PARKINSON (D)

**BILL NO.** 2011 KAN. HB 2339  
**DATE SIGNED** APRIL 8, 2011  
**VOTE COUNTS** 39-0 (S); 116-7 (H)  
**GOVERNOR** SAM BROWNBACK (R)

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.<sup>96</sup>

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.<sup>97</sup> There is no requirement that the shooter be engaged in lawful activity either immediately before or at the time he or she uses lethal force.<sup>98</sup> And a shooter may successfully claim self-defense in some situations even if he or she used deadly force to provoke the confrontation.<sup>99</sup>

The shooter is immune from criminal prosecution under Kansas law and cannot be arrested unless police have probable cause to believe that the shooter was not acting in self-defense.<sup>100</sup> 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.<sup>101</sup> 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 Kansas statute also immunizes the shooter from all civil suits, including those brought by innocent bystanders.<sup>102</sup>

 **KENTUCKY**

**NO DUTY TO RETREAT ANYWHERE:**   
**NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:**   
**PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:**   
**IMMUNITY FROM ARREST OR PROSECUTION:**   
**IMMUNITY FROM CIVIL SUITS:**

**BILL NO.** 2006 KY. SB 38  
**DATE SIGNED** APRIL 21, 2006  
**VOTE COUNTS** 36-1 (S); 88-8 (H)  
**GOVERNOR** ERNIE FLETCHER (R)

Governor Ernie Fletcher signed Kentucky's Stand Your Ground bill into law on April 21, 2006. A shooter in Kentucky 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.<sup>103</sup> A shooting is presumed to be lawful if the victim unlawfully and forcibly entered, or attempted to remove any person from, a dwelling or occupied vehicle — regardless of whether anyone was in actual danger.<sup>104</sup> 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.<sup>105</sup> 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.<sup>106</sup> 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.<sup>107</sup> 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.<sup>108</sup>



# LOUISIANA

- NO DUTY TO RETREAT ANYWHERE:
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:
- IMMUNITY FROM ARREST OR PROSECUTION:
- IMMUNITY FROM CIVIL SUITS:

**BILL NO.** 2006 LA. HB 89  
**DATE SIGNED** JUNE 2, 2006  
**VOTE COUNTS** 36-0 (S); 99-0 (H)  
**GOVERNOR** KATHLEEN BLANCO (D)

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.<sup>109</sup> 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.<sup>110</sup>

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.<sup>111</sup>

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.<sup>112</sup>



# MICHIGAN

- NO DUTY TO RETREAT ANYWHERE:
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:
- IMMUNITY FROM ARREST OR PROSECUTION:
- IMMUNITY FROM CIVIL SUITS:

**BILL NO.** 2005 MI. HB 5143  
**DATE SIGNED** JULY 18, 2006  
**VOTE COUNTS** 28-10 (S); 90-17 (H)  
**GOVERNOR** JENNIFER GRANHOLM (D)

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.<sup>113</sup> 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.<sup>114</sup>

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.<sup>115</sup>

The shooter has immunity from civil suits claiming relief based on the death or injury of the person he or she intended to shoot.<sup>116</sup> 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.<sup>117</sup>





# MISSISSIPPI

- NO DUTY TO RETREAT ANYWHERE:**
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:**
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:**
- IMMUNITY FROM ARREST OR PROSECUTION:**
- IMMUNITY FROM CIVIL SUITS:**

**BILL NO.** 2006 MISS. S.B. 2426  
**DATE SIGNED** MARCH 27, 2006  
**VOTE COUNTS** 39-10 (S); 115-3 (H)  
**GOVERNOR** HALEY BARBOUR (R)

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.<sup>118</sup> 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.<sup>119</sup>

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.<sup>120</sup>



# MONTANA

- NO DUTY TO RETREAT ANYWHERE:**
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:**
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:**
- IMMUNITY FROM ARREST OR PROSECUTION:**
- IMMUNITY FROM CIVIL SUITS:**

**BILL NO.** 2009 MT. HB 228  
**DATE SIGNED** APRIL 27, 2009  
**VOTE COUNTS** 40-10 (S); 85-14 (H)  
**GOVERNOR** BRIAN SCHWEITZER (D)

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 anyplace 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.<sup>121</sup> 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.<sup>122</sup>

The shooter has immunity from civil suits claiming relief based on the injury to the person whom he or she intended to shoot.<sup>123</sup> 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.<sup>124</sup>



## NEVADA

- NO DUTY TO RETREAT ANYWHERE:
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:
- IMMUNITY FROM ARREST OR PROSECUTION:
- IMMUNITY FROM CIVIL SUITS:

**BILL NO.** 2011 NEV. AB 321  
**DATE SIGNED** MAY 19, 2011  
**VOTE COUNTS** 21-0 (S); 39-3 (A)  
**GOVERNOR** BRIAN SANDOVAL (R)

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.<sup>125</sup> This includes public places like playgrounds, parks, sidewalks, and roadways.



## NEW HAMPSHIRE

- NO DUTY TO RETREAT ANYWHERE:
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:
- IMMUNITY FROM ARREST OR PROSECUTION:
- IMMUNITY FROM CIVIL SUITS:

**BILL NO.** 2011 NH SB 88  
**DATE SIGNED** SEPTEMBER 14, 2011  
**VOTE COUNTS** 17-7 (S); 251-111 (H)  
**GOVERNOR** VETOED BY JOHN LYNCH (D)

On September 14, 2011, New Hampshire's legislature overrode Governor John 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 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.<sup>126</sup>

The shooter has immunity from civil suits claiming relief based on the injury to the person whom he or she intended to shoot.<sup>127</sup> 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.<sup>128</sup>



## NORTH CAROLINA

**NO DUTY TO RETREAT ANYWHERE:**   
**NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:**   
**PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:**   
**IMMUNITY FROM ARREST OR PROSECUTION:**   
**IMMUNITY FROM CIVIL SUITS:**

**BILL NO.** 2011 N.C. HB 650  
**DATE SIGNED** MAY 23, 2011  
**VOTE COUNTS** 37-9 (S); 80-39 (H)  
**GOVERNOR** BEVERLY PERDUE (D)

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 anyplace 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.<sup>129</sup> 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.<sup>130</sup>

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.<sup>131</sup> This presumption applies not only to the shooter's dwelling and vehicle, but to the homes and vehicles of third parties as well.<sup>132</sup> 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.<sup>133</sup>

A shooter who claims self-defense is immune from criminal prosecution under North Carolina law.<sup>134</sup> 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 shooter also has blanket immunity from all civil suits, including those brought by innocent bystanders.<sup>135</sup>



## OKLAHOMA

**NO DUTY TO RETREAT ANYWHERE:**   
**NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:**   
**PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:**   
**IMMUNITY FROM ARREST OR PROSECUTION:**   
**IMMUNITY FROM CIVIL SUITS:**

**BILL NO.** 2005 OK. HB 2615  
**DATE SIGNED** MAY 15, 2006  
**VOTE COUNTS** 39-5 (S); 83-4 (H)  
**GOVERNOR** BRAD HENRY (D)

**BILL NO.** 2011 OK HB 1439  
**DATE SIGNED** APRIL 25, 2011  
**VOTE COUNTS** 42-3 (S); 87-6 (H)  
**GOVERNOR** MARY FALLIN (R)

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 anyplace 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.<sup>136</sup> 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.<sup>137</sup>

The shooter is immune from criminal arrest and prosecution under Oklahoma law<sup>138</sup> and cannot be arrested unless police have probable cause to believe that he or she was not acting in self-defense.<sup>139</sup> 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.<sup>140</sup> 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.<sup>141</sup> 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.<sup>142</sup>



# PENNSYLVANIA

- NO DUTY TO RETREAT ANYWHERE:**
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:**
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:**
- IMMUNITY FROM ARREST OR PROSECUTION:**
- IMMUNITY FROM CIVIL SUITS:**

**BILL NO.** 2011 PA. HB 40  
**DATE SIGNED** JUNE 28, 2011  
**VOTE COUNTS** 45-5 (S); 164-37 (H)  
**GOVERNOR** TOM CORBETT (R)

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.<sup>143</sup> 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.<sup>144</sup>

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.<sup>145</sup> 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.<sup>146</sup>



# SOUTH CAROLINA

- NO DUTY TO RETREAT ANYWHERE:**
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:**
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:**
- IMMUNITY FROM ARREST OR PROSECUTION:**
- IMMUNITY FROM CIVIL SUITS:**

**BILL NO.** 2005 S.C. H.B. 4301  
**DATE SIGNED** JUNE 9, 2006  
**VOTE COUNTS** 43-0 (S); 108-0 (H)  
**GOVERNOR** MARK SANFORD (R)

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.<sup>147</sup>

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.<sup>148</sup>

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.<sup>149</sup> 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.<sup>150</sup> 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.<sup>151</sup> 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.<sup>152</sup>



## SOUTH DAKOTA

- NO DUTY TO RETREAT ANYWHERE:
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:
- IMMUNITY FROM ARREST OR PROSECUTION:
- IMMUNITY FROM CIVIL SUITS:

**BILL NO.** 2006 S.D. HB 1134  
**DATE SIGNED** FEBRUARY 17, 2006  
**VOTE COUNTS** 30-1 (S); 43-27 (H)  
**GOVERNOR** M. MICHAEL ROUNDS (R)

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.<sup>153</sup> There is no requirement that the shooter be engaged in lawful conduct immediately prior to, or at the time of, the shooting.<sup>154</sup>



## TENNESSEE

- NO DUTY TO RETREAT ANYWHERE:
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:
- IMMUNITY FROM ARREST OR PROSECUTION:
- IMMUNITY FROM CIVIL SUITS:

**BILL NO.** 2007 TENN. HB 1907  
**DATE SIGNED** MAY 22, 2007  
**VOTE COUNTS** 32-0 (S); 96-1 (H)  
**GOVERNOR** PHIL BREDESEN (D)

**BILL NO.** 2007 TENN. HB 3509  
**DATE SIGNED** MAY 22, 2008  
**VOTE COUNTS** 30-2 (S); 82-9 (H)  
**GOVERNOR** PHIL BREDESEN (D)

**BILL NO.** 2009 TENN. HB 70  
**DATE SIGNED** MAY 13, 2009  
**VOTE COUNTS** 29-0 (S); 89-1 (H)  
**GOVERNOR** PHIL BREDESEN (D)

**BILL NO.** 2011 TENN. HB 2326  
**DATE SIGNED** MAY 23, 2012  
**VOTE COUNTS** 33-0 (S); 91-1 (H)  
**GOVERNOR** BILL HASLAM (R)

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.<sup>155</sup> 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.<sup>156</sup>

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.<sup>157</sup>

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.<sup>158</sup> 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.<sup>159</sup>



## TEXAS

- NO DUTY TO RETREAT ANYWHERE:
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:
- IMMUNITY FROM ARREST OR PROSECUTION:
- IMMUNITY FROM CIVIL SUITS:

**BILL NO.** 2007 TX. SB 378  
**DATE SIGNED** MAY 22, 2007  
**VOTE COUNTS** 30-0 (S); 133-13 (H)  
**GOVERNOR** RICK PERRY (R)

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.<sup>160</sup> 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.<sup>161</sup>

Texas law gives the shooter immunity from all civil suits, including those brought by innocent bystanders.<sup>162</sup>



## WEST VIRGINIA

- NO DUTY TO RETREAT ANYWHERE:
- NO DUTY TO RETREAT IN DEFENSE OF PROPERTY:
- PRESUMPTION THAT USE OF DEADLY FORCE WAS LAWFUL:
- IMMUNITY FROM ARREST OR PROSECUTION:
- IMMUNITY FROM CIVIL SUITS:

**BILL NO.** 2008 W.V. SB 145  
**DATE SIGNED** MARCH 12, 2008  
**VOTE COUNTS** 32-0 (S); 96-1 (H)  
**GOVERNOR** JOE MANCHIN (D)

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.<sup>163</sup> 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.<sup>164</sup>

# NOTES

- 1 [http://media.cmgdigital.com/shared/news/documents/2013/07/12/jury\\_instructions\\_1.pdf](http://media.cmgdigital.com/shared/news/documents/2013/07/12/jury_instructions_1.pdf)
- 2 "Anderson Cooper 360 Degrees transcript," CNN, July 15, 2013, *available* at <http://transcripts.cnn.com/TRANSCRIPTS/130715/acd.01.html>; Marc Caputo, "Juror: We talked Stand Your Ground before not-guilty Zimmerman verdict," Miami Herald, July 18, 2013, at <http://www.miamiherald.com/2013/07/16/3502481/juror-we-talked-stand-your-ground.html#storylink=cpy>
- 3 Alabama: 2006 Al. ALS 303; Alaska: 2006 AK. ALS 68; Arizona: 2006 Ariz. ALS 199, 2010 Ariz. ALS 327, 2011 Ariz. ALS 353; Florida: 2005 Fl. ALS 27; Georgia: 2006 Ga. ALS 599; Indiana: 2006 Ind. ALS 189, 2012 Ind. ALS 161; Kansas: 2006 Kan. ALS 194, 2010 Kan. ALS 124, 2011 Kan. ALS 30; Kentucky: 2006 Ky. Acts 192; Louisiana: 2006 La. ALS 141; Michigan: 2006 MI PA 309; Mississippi: 2006 MS ALS 492; Montana: 2009 Mont. Laws 332; Nevada: 2011 Nev. Als 59, Assembly Bill 321; New Hampshire: 2011 NH ALS 268, 2010 NH ALS 361; North Carolina: 2011 NC ALS 268; Oklahoma: 2011 Ok. ALS 106, 2006 Ok. ALS 145; Pennsylvania: 2011 Pa. ALS 10; South Carolina: 2006 SC ACTS 379; South Dakota: 2006 SD ALS 116; Tennessee: 2007 TN ALS 210, 2008 TN ALS 1012, 2009 Tenn. ALS 194, 2012 Tenn. ALS 627; Texas: 2007 Tex. ALS 1; West Virginia: 2008 W.V. ALS 23.
- 4 2012 La. SB 738.
- 5 Emily Bazelon, "What if Trayvon Martin Was the One Acting in Self-Defense?", Slate, March 22, 2012, at [http://www.slate.com/articles/news\\_and\\_politics/crime/2012/03/florida\\_s\\_stand\\_your\\_ground\\_law\\_doesn\\_t\\_prohibit\\_that\\_they\\_arrest\\_george\\_zimmerman\\_for\\_killing\\_trayvon\\_martin\\_.html](http://www.slate.com/articles/news_and_politics/crime/2012/03/florida_s_stand_your_ground_law_doesn_t_prohibit_that_they_arrest_george_zimmerman_for_killing_trayvon_martin_.html); Daily News Wire Services, "Trayvon shooter's tale doubted," March 29, 2012, at [http://articles.philly.com/2012-03-29/news/31254993\\_1\\_arrest-warrantvideo-first-police-headquarters](http://articles.philly.com/2012-03-29/news/31254993_1_arrest-warrantvideo-first-police-headquarters).
- 6 *Beyer v. Birmingham*, R., L. & P. Co., 64 So. 609, 611 (Ala. 1914).
- 7 Francis Wharton, *A Treatise on the Law of Homicide in the United States* § 485 (1875); *Teal v. State*, 161 So. 422, 422 (Fla.1935); *Beyer*, 64 So. at 610.
- 8 *Allen v. United States*, 164 U.S. 492, 497-98 (1896).
- 9 Wharton, *supra* note 7, at § 306; *People v. Richardson*, 803 N.W.2d 302, 309-10 (Mich. 2011).
- 10 *Smiley v. State*, 966 So. 2d 330, 333 (Fla. 2007).
- 11 See, e.g. Fla. Stat. § 776.013(3).
- 12 "Florida's Stand Your Ground Law," Tampa Bay Times at <http://www.tampabay.com/stand-your-ground-law/>.
- 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.
- 19 Fla. Stat. § 776.013(3).
- 20 Ann O'Neill, "NRA's Marion Hammer stands her ground," CNN, April 15, 2012 at <http://www.cnn.com/2012/04/15/us/marion-hammer-profile/index.html>; Michael C. Bender, "Pistol-Packing Grandma Helps NRA Push State Pro-Gun Laws," Bloomberg, May 11, 2012 at <http://www.bloomberg.com/news/2012-05-11/pistol-packing-grandma-helps-nra-push-state-pro-gun-laws.html>.
- 21 Matt Gertz, "ALEC Has Pushed the NRA's 'Stand Your Ground' Law Across the Nation," Media Matters for America, March 21, 2012 at <http://mediamatters.org/blog/2012/03/21/alec-has-pushed-the-nras-stand-your-groundlaw/186459>; Lisa Graves, "Resources for Investigating ALEC/NRA Gun Bills," PRWatch, March 30, 2012, at <http://www.prwatch.org/node/11393>.
- 22 Id.
- 23 Jon Soltz, "George Zimmerman Had More Legal Authority to Kill Than Our Troops Do At War," April 10, 2012, *available* at <http://thinkprogress.org/justice/2012/04/10/460965/zimmerman-shoot-kill-troops-military/>
- 24 Iowa: HF 2215; Massachusetts: SB 661; Minnesota: HF 1467; Nebraska: LB 298; New Jersey: A 886; New York: S 281; Washington: SB 5418.
- 25 Alabama: 2012 HB 694, 2013 HB 212; Florida: 2013 HB 123, HB 331, HB 4009, HB 799; Georgia: 2012 HB 1308; 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.
- 26 2012 La. SB 738.
- 27 Missouri: 2007 Mo. SB 62; Ohio: 2007 Ohio SB 184; Wisconsin: 2011 Wis. ALS 94.
- 28 Alabama: Code of Ala. § 13A-3-23(a)(3); Arizona: A.R.S. § 13-411(A); Florida: Fla. Stat §§ 776.031, 776.08; Georgia: O.C.G.A. § 16-3-23(3); Kansas: K.S.A. §§ 21-3212, 21-3213; Kentucky: KRS § 503.080(2)(b); Nevada: Nev. Rev. Stat. Ann. § 200.120(1); Oklahoma: 21 Okl. St. § 643(3); Texas: Tex. Penal Code § 9.42.
- 29 Texas: Tex. Penal Code § 9.42(2)(B).
- 30 Kansas: K.S.A. §§ 21-3212, 21-3213; Nevada: Nev. Rev. Stat. Ann. § 200.120(1); Oklahoma: 21 Okl. St. § 643(3); Texas: Tex. Penal Code § 9.42
- 31 For example, in June 2012, Benito Pantoja stole \$20.29 from the tip jar of a taco truck in Houston, Texas. The owner of the business chased Pantoja and shot him in the back, killing him. Pantoja's death was ruled a justifiable homicide. See Yang Wang and Dane Schiller, "Texas Justifiable Homicides Rise with 'Castle Doctrine,'" Houston Chronicle, July 2, 2012, <http://www.chron.com/news/houston-texas/article/Killings-deemed-justified-are-on-the-rise-in-Texas-3676412.php#page-1>.
- 32 Alabama: Code of Ala. § 13A-3-23(a)(3); 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)
- 33 C. Cheng and M. Hoekstra, "Does Strengthening Self-Defense Law Deter Crime or Escalate Violence? Evidence from Castle Doctrine," Texas A&M Department of Economics, 29 May 2012, *available* at [http://econweb.tamu.edu/mhoekstra/castle\\_doctrine.pdf](http://econweb.tamu.edu/mhoekstra/castle_doctrine.pdf).
- 34 Alabama: Code of Ala. § 13A-3-23(a)(4); Arizona: A.R.S. § 13-411(C); Florida: Fla. Stat. § 776.013; Kansas: K.S.A. § 21-3212a; Kentucky: KRS § 503.055; Louisiana: La. Rev. Stat. Ann. § 14:19(B); Michigan: MCLS § 780.951; Mississippi: Miss. Code. Ann. § 97-3-15(3); North Carolina: N.C. Gen. Stat. § 14-51.2(b); Oklahoma: 21 Okla. Stat. § 1289.25(B); Pennsylvania: 18 Pa.C.S.A. § 505(b)(2.1); South Carolina: S.C. Code Ann. § 16-11-440; Tennessee: Tenn. Code Ann. § 39-11-611(c); Texas: Tex. Penal Code § 9.31.
- 35 See, e.g., F. Andrew Hessick III & Reshma Saujani, *Plea Bargaining and Convicting the Innocent: the Role of the Prosecutor, the Defense Counsel, and the Judge*, 16 BYU J. Pub. L. 189, 200 (2002); Elise Bjorkan Clare et. al., *Twenty-Fifth Annual Review of Criminal Procedure: I. Investigation and Police Practices*. 84 Geo. L.J. 717, 759-760 (1996).

36 Alabama: Code of Ala. § 13A-3-23(d); Florida: Fla. Stat. 776.032(2); Kansas: K.S.A. § 21-5231(a);  
Kentucky: KRS § 503.085(1); Oklahoma: 21 Okl. St. § 1289.25(G); South Carolina: S.C. Code Ann. § 16-11-450(B).

37 Florida: Fla. Stat. 776.032(2); Kansas: K.S.A. § 21-5231(a); Kentucky: KRS § 503.085(1).

38 *Reagan v. Mallory*, 429 Fed. Appx. 918 (11th Cir. 2011) (“Under Florida law, law enforcement officers have a duty to assess the validity of this defense, but they are provided minimal, if any, guidance on how to make this assessment.”).

39 See, e.g., *Reagan v. Mallory*, 429 Fed. Appx. 918 (11th Cir. 2011).

40 “Florida’s Stand Your Ground Law,” Tampa Bay Times at <http://www.tampabay.com/stand-your-ground-law/>.

41 Alabama: Code of Ala. § 13A-3-23(e); Florida: Fla. Stat. 776.032(1); Georgia: O.C.G.A. § 16-3-24.2, Kansas: K.S.A. § 21-5231(a); Kentucky: KRS § 503.085(1); North Carolina: N.C. Gen. Stat. § 14-51.3(b); Oklahoma: 21 Okl. St. § 1289.25(F); South Carolina: S.C. Code Ann. § 16-11-450(A).

42 See, e.g., *Dennis v. State*, 51 So. 3d 456 (Fla. 2010); *Bunn v. State*, 667 S.E.2d 605 (Ga. 2008); *Rodgers v. Commonwealth*, 285 S.W.3d 740 (Ky. 2009); *State v. Duncan*, 392 S.C. 404 (S.C. 2011).

43 Jean K. Gilles Phillips & Elizabeth Cateforis, *Self-Defense: What’s a Jury Got to Do with It?*, 57 Kan. L. Rev. 1143, 1168-1174 (2009).

44 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.

45 See, e.g., Ann O’Neill, “NRA’s Marion Hammer stands her ground,” CNN, April 15, 2012, <http://www.cnn.com/2012/04/15/us/marion-hammer-profile/index.html>.

46 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>.

47 Alabama: Code of Ala. § 13A-3-23(d); Arizona: A.R.S. § 13-413; Florida: Fla. Stat. § 776.032; Kansas: K.S.A. § 21-3219; Kentucky: KRS §§ 503.085; Louisiana: La. Rev. Stat. Ann. § 9:2800.19; Mississippi: Miss. Code. Ann. § 97-3-15(5); North Carolina: N.C. Gen. Stat. §§ 14-51.2(b), 14-51.3(b); Oklahoma: 21 Okla. Stat. § 1289.25(F); South Carolina: S.C. Code Ann. § 16-11-450(A); Texas: V.T.C.A. § 83.001.

48 Alaska: Alaska Stat. § 09.65.330; Georgia: O.C.G.A. § 51-11-9; Michigan: Mich. Comp. Laws § 600.2922b; Montana: Mont. Code. Ann. § 27-1-722; New Hampshire: N.H. Rev. Stat. Ann. § 627:1-a; Pennsylvania: 42 Pa.C.S.A. § 8340.2(a); Tennessee: Tenn. Code Ann. § 39-11-622; West Virginia: W. Va. Code § 55-7-22(d).

49 Alaska: Alaska Stat. § 09.65.330(b); Florida: Fla. Stat. § 776.032 (3); Kentucky: KRS § 503.085; Louisiana: La. R.S. § 9:2800.19; Michigan: Mich. Comp. Laws § 600.2922c; Mississippi: Miss. Code. Ann. § 97-3-15(5); Montana: Mont. Code. Ann. § 27-1-722(4); New Hampshire: N.H. Rev. Stat. Ann. § 627:1-a; Oklahoma: 21 Okla. Stat. § 1289.25(H); Pennsylvania: 42 Pa.C.S.A. § 8340.2(b); South Carolina: S.C. Code Ann. § 16-11-450(C); Tennessee: Tenn. Code Ann. § 39-11-622(b).

50 C. Cheng and M. Hoekstra, “Does Strengthening Self-Defense Law Deter Crime or Escalate Violence? Evidence from Castle Doctrine,” Texas A&M Department of Economics, 29 May 2012, available at [http://econweb.tamu.edu/mhoekstra/castle\\_doctrine.pdf](http://econweb.tamu.edu/mhoekstra/castle_doctrine.pdf); C. McClellan and E. Tekin, “Stand Your Ground laws and homicides,” National Bureau of Economic Research, June 2012, available at <http://www.nber.org/papers/w18187.pdf>.

51 FBI Uniform Crime Reports, Supplementary Homicide File. National Archive of Criminal Justice Data, available at: <http://bit.ly/1bnoHhw>

52 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).

53 J. Roman and M. Downey, “Stand Your Ground laws and Miscarriages of Justice,” *MetroTrends Blog*, March 29, 2012, available at <http://blog.metrotrends.org/2012/03/stand-ground-laws-miscarriages-justice/>.

54 FBI Uniform Crime Reports, Supplementary Homicide File. National Archive of Criminal Justice Data, available at: <http://bit.ly/1bnoHhw>

55 Id.

56 Id.

57 J. Roman, “Do Stand Your Ground Laws Worsen Racial Disparities?,” *Urban Institute MetroTrends Blog*, Aug. 8, 2012 at <http://blog.metrotrends.org/2012/08/stand-ground-laws-worsen-racial-disparities/>.

58 FBI Uniform Crime Reports, Supplementary Homicide File. National Archive of Criminal Justice Data, available at: <http://bit.ly/1bnoHhw>

59 C. Cheng and M. Hoekstra, “Does Strengthening Self-Defense Law Deter Crime or Escalate Violence? Evidence from Castle Doctrine,” Texas A&M Department of Economics, 29 May 2012, available at [http://econweb.tamu.edu/mhoekstra/castle\\_doctrine.pdf](http://econweb.tamu.edu/mhoekstra/castle_doctrine.pdf). This study defined Stand Your Ground states slightly differently than this report; however, the slight difference in classification does not create a noticeable difference in result.

60 C. McClellan and E. Tekin, “Stand Your Ground laws and homicides,” National Bureau of Economic Research, June 2012, available at <http://www.nber.org/papers/w18187.pdf>. 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.

61 Code of Ala. § 13A-3-23(b).

62 Code of Ala. §§ 13A-3-23(a)(3), 13A-7-7.

63 Code of Ala. § 13A-3-23(a).

64 Code of Ala. § 13A-3-23(d).

65 Code of Ala. § 13A-3-23(e).

66 See, e.g., *Dennis v. State*, 51 So. 3d 456 (Fla. 2010); *Bunn v. State*, 667 S.E.2d 605 (Ga. 2008); *Rodgers v. Commonwealth*, 285 S.W.3d 740 (Ky. 2009); *State v. Duncan*, 392 S.C. 404 (S.C. 2011).

67 Code of Ala. § 13A-3-23(d).

68 Alaska Stat. §§ 11.81.335(a), 11.81.330(b).

69 Alaska Stat. §§ 11.81.335(a)(7), 11.81.350(e).

70 Alaska Stat. § 09.65.330(a).



71 Alaska Stat. § 09.65.330(b).

72 A.R.S. §§ 13-405(B), 13-411(B), 13-418(B).

73 A.R.S. §§ 13-404(B)(3), 13-405(A)(1)

74 A.R.S. § 13-411(C).

75 A.R.S. §§ 13-411(A), 13-1508.

76 A.R.S. § 13-413.

77 Fla. Stat. § 776.013(3).

78 Fla. Stat. § 776.041(2).

79 Fla. Stat. §§ 776.031, 776.08, 810.02.

80 Fla. Stat. § 776.013(1).

81 Fla. Stat. § 776.013(4).

82 Fla. § Stat. 776.032(1).

83 Fla. § Stat. 776.032(2).

84 *Dennis v. State*, 51 So. 3d 456 (Fla. 2010).

85 Fla. § Stat. 776.032(1). A.R.S. § 13-413.

86 Fla. § Stat. 776.032(3).

87 O.C.G.A. § 16-3-23.1.

88 O.C.G.A. § 16-3-21(b)(3)

89 O.C.G.A. § 16-3-21(b).

90 O.C.G.A. §§ 16-3-23(3), 16-3-24.1.

91 O.C.G.A. § 16-3-24.2; *Bunn v. State*, 667 S.E.2d 605 (Ga. 2008).

92 O.C.G.A. § 51-11-9.

93 Burns Ind. Code Ann. § 35-41-3-2(c)-(f).

94 Burns Ind. Code Ann. § 35-41-3-2(d)

95 Burns Ind. Code Ann. § 35-41-3-2(i).

96 K.S.A. §§ 21-5230; 21-5222; 21-5223; 21-5225.

97 K.S.A. § 21-5224.

98 K.S.A. § 21-5226(a).

99 K.S.A. § 21-5226(c).

100 K.S.A. § 21-5231(a).

101 See, e.g., *Dennis v. State*, 51 So. 3d 456 (Fla. 2010); *Bunn v. State*, 667 S.E.2d 605 (Ga. 2008); *Rodgers v. Commonwealth*, 285 S.W.3d 740 (Ky. 2009).

102 K.S.A. § 21-5231(a).

103 KRS § 503.050; KRS § 503.070; KRS § 503.080.

104 KRS § 503.055(1).

105 KRS § 503.085(1).

106 *Rodgers v. Commonwealth*, 285 S.W.3d 740 (Ky. 2009)

107 KRS § 503.085(1).

108 KRS § 503.085(3).

109 La. R.S. § 14:20.

110 La. R.S. § 14:20(B).

111 La. R.S. § 9:2800.19.

112 2012 La. SB 738.

113 "Michigan 'Stand Your Ground' Law Under Fire," UPI, May 18, 2012, available at [http://www.upi.com/Top\\_News/US/2012/05/18/Michigan-stand-your-ground-law-under-fire/UPI-59951337368013/](http://www.upi.com/Top_News/US/2012/05/18/Michigan-stand-your-ground-law-under-fire/UPI-59951337368013/)

114 MCLS § 780.972.

115 MCLS § 780.951.

116 MCLS § 600.2922b.

117 MCL § 600.2922c.

118 Miss. Code. Ann. § 97-3-15(4).

119 Miss. Code. Ann. § 97-3-15(3).

120 Miss. Code. Ann. § 97-3-15(5)(b).  
121 Mont. Code. Ann. § 45-3-110.  
122 Mont. Code. Ann. § 45-3-105  
123 Mont. Code Anno., § 27-1-722(1).  
124 Mont. Code Anno., § 27-1-722(3).  
125 Nev. Rev. Stat. Ann. § 200.120.  
126 N.H. Rev. Stat. Ann. § 627:4(III).  
127 N.H. Rev. Stat. Ann. § 627:1-a.  
128 N.H. Rev. Stat. Ann. § 627:1-a.  
129 N.C. Gen. Stat. § 14-51.3.  
130 N.C. Gen. Stat. § 14-51.4(2)  
131 N.C. Gen. Stat. § 14-51.2(b).  
132 N.C. Gen. Stat. § 14-51.2(b).  
133 N.C. Gen. Stat. § 14-51.2(d).  
134 N.C. Gen. Stat. § 14-51.3(b).  
135 N.C. Gen. Stat. § 14-51.3(b).  
136 21 Okl. St. § 1289.25(D).  
137 21 Okl. St. § 1289.25(B).  
138 21 Okl. St. § 1289.25(F).  
139 21 Okl. St. § 1289.25(G).  
140 See, e.g., *Dennis v. State*, 51 So. 3d 456 (Fla. 2010); *Bunn v. State*, 667 S.E.2d 605 (Ga. 2008);  
*Rodgers v. Commonwealth*, 285 S.W.3d 740 (Ky. 2009); *State v. Duncan*, 392 S.C. 404 (S.C. 2011).  
141 21 Okl. St. § 1289.25(F).  
142 21 Okl. St. § 1289.25(H).  
143 18 Pa.C.S.A. § 505(2.3), 506.  
144 18 Pa.C.S.A. § 505(2.1).  
145 42 Pa.C.S.A. § 8340.2(a).  
146 42 Pa.C.S.A. § 8340.2(b).  
147 S.C. Code Ann. § 16-11-440(C).  
148 S.C. Code Ann. § 16-11-440(A).  
149 S.C. Code Ann. § 16-11-450(B).  
150 *State v. Duncan*, 392 S.C. 404 (S.C. 2011).  
151 S.C. Code Ann. § 16-11-450(A).  
152 S.C. Code Ann. § 16-11-450(C).  
153 S.D. Codified Laws § 22-18-4.  
154 S.D. Codified Laws § 22-18-4.  
155 TCA § 39-11-611(b)(2).  
156 Tenn. Code Ann. § 39-11-611(e)(2).  
157 Tenn. Code Ann § 39-11-611(c).  
158 Tenn. Code Ann § 39-11-622(a).  
159 Tenn. Code Ann § 39-11-622(b).  
160 Tex. Penal Code §§ 9.31(a),(d); 9.32(a) and (c); 9.33.  
161 Tex. Penal Code §§ 9.31(a) and 9.32(b).  
162 TX CIV PRAC & REM § 83.001.  
163 W. Va. Code § 55-7-22(c).  
164 W. Va. Code § 55-7-22(d).





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