

104 North Street
Portland, Me 04101

March 17, 2024

Chairs and Members of the Joint Committee on Criminal Justice and Public Safety
132nd Maine Legislature
State House
Augusta, Maine

Re: LD 486 - An Act to Remove the Duty of an Individual Exercising Self-defense to Safely Retreat or Abstain from Performing Certain Acts upon Demand

Dear Chairs and Members of the Committee:

Please accept these written comments in lieu of my appearance in person at the Committee hearing on Monday, March 17.

The Committee is respectfully urged to vote LD 486 “Ought Not to Pass” on the ground that the legislation is unnecessary and is likely to lead more harm than it would prevent.

Under current Maine law, a person charged with injuring or killing another person can assert the defense of “self-defense” if the defendant had no other real choice in order to avoid death or bodily injury at the hands of the victim. The viability of the defense depends on the circumstances. Before a person under threat of attack by another can use deadly force, the threatened person is expected use any measures that are reasonably available in order to escape the threat. If a person is threatened with death or bodily injury under circumstances when there is no other reasonable alternative, the use of potentially deadly force to avert the threat is permissible.

LD 486 would change Maine law to permit the use of deadly force even when the person threatened had other reasonable choices to avoid the threat. A person who feels threatened would be protected in shooting and killing a person perceived to be a threat even if the threat could be avoided by moving away or taking some other non-lethal step.

The problem is that it is sometimes hard to know how serious a perceived threat really is. By allowing a lethal response as the first choice, rather than the last choice, we may be giving the person perceiving the threat the power to take the law into her own hands and execute the perceived offender before it is clear that the threat is in fact serious.

Many American states have enacted laws like LD 486 in recent years. It is very unclear whether these laws have made their residents safer. The contrary seems more likely the case with persons feeling threatened more ready to shoot first and ask questions later.

Maine's law of self-defense has worked well for a long time. We have not had problems with citizens feeling unable to resort to self-defense if they really have no choice. Mainers who have unpleasant confrontations with others should indeed exercise any other choices they may have before resorting to deadly force, usually with some kind of firearm.

Please vote "Ought Not to Pass" on LD 486.

Thank you for your careful consideration of this important question,

Sincerely,

A handwritten signature in black ink, appearing to read "Peter L. Murray". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Peter L. Murray