

David Souers
Friendship
LD 486

Senator Beebe-Center, Representative Hasenfus, and members of the committee. My name is David Souers. I live in Friendship. I am retired from thirty years of practice in healthcare architecture, where I consulted to hospital emergency departments experiencing ever increasing numbers of gun shot wounds and deaths.

LD 486 is, as they are often called, a “stand your ground law”. “This bill removes the duty of a person exercising self-defense in an encounter to, if the person can do so safely, retreat from the encounter or comply with a demand to abstain from performing an act that the person is not obliged to perform before using deadly force.”

These laws, that could also be called “no responsibility” laws, corrupt the purpose of self-defense laws as they encourage people to shoot first and explain themselves later. Thirty-eight states now have these laws, also known as “shoot first” laws, which allow individuals to use deadly force without a duty to retreat, as they claim self defense. The Second Amendment and self defense is increasingly being defined and applied in favor of shooters, particularly when their victims are dead and witnesses are unavailable. LD 486 does not protect dead unarmed victims in these cases.

“Shoot first” laws have only been around since 2005 when Marianne Hammer and the NRA helped draft and pass the first “shoot first” law in Florida. Are we to believe that from 1791 when the Second Amendment was enacted until 2005, that Americans were defenseless without this law?

The NRA in 2005 started a campaign to promote the purchase and use of firearms claiming that the Second Amendment intends a more individual, active and free use of firearms. This idea of “shoot first” promotes taking the law into your own hands wherever you are, under any and all circumstances, not merely defending your home. “Shoot first” can also be more accurately called a “vigilante law” because for some gun owners, this law is designed and promoted to protect their right to enforce the law as they see it. And, with this proposed law, we give them no accountability.

Proponents of this law claim these laws protect the gun owner against prosecution when they use firearms in self defense. But in fact, they encourage violence by making it easier to defend any shooting as self defense. They prohibit law enforcement, prosecutors and juries from considering whether a person could have walked away from a conflict or apparent threat when determining whether it was reasonable for that person to use deadly force.

The benefit of the doubt immediately goes to the person using the firearm even when the victim of the shooting is unarmed, particularly when the victim doesn’t survive. This occurred in the Florida shooting of unarmed Trayvon Martin, a teenager walking home from a convenience store. George Zimmerman stalked Martin creating a confrontation, ending with Zimmerman shooting and killing Martin. Zimmerman’s attorney and trial judge applied Florida’s “stand your ground” law which led to Zimmerman’s acquittal in spite of the facts. Zimmerman had no defensive need to stalk Martin, and was directed via a police phone call to walk away. Unarmed and dead, there was no consideration for how Martin may have tried to defend himself. The trial revolved around Florida’s “stand your ground” law.

Another case is where Kyle Rittenhouse, a 17 year old crossed state lines into Wisconsin, unlawfully possessing a firearm. He shot three men. Two unarmed men died. Rittenhouse claimed self defense though he chose the time and place where he expected there would be people he wanted to confront with his AR15. Kenosha County prosecutors charged Rittenhouse with two counts of homicide, one count of attempted homicide, two counts of reckless endangerment, one count of unlawful possession of a firearm, and one count of curfew violation. The Wisconsin Examiner on December 10, 2021 wrote “Rittenhouse was acquitted because of changes in the legal understanding of self-defense in recent years”.

When shooters are acquitted based on laws like LD 486 for the Zimmerman and Rittenhouse cases, we invite gun owners to believe they have a right to be more aggressive and less responsible, as they claim self defense. This leads to more reckless and criminal use of firearms, which escalates gun violence and deaths.

The Maine state law presently gives us the right to defend ourselves, essentially as it has existed since the Second Amendment was adopted. The revised law takes away the responsibility of the person who feels under threat, to make a reasonable determination, to walk away from the encounter. This is an opportunity that most unarmed victims of these so called "self defense" shooters don't get. This proposed law promotes violence and should not be voted on nor passed.