



TESTIMONY OF MICHAEL KEBEDE, ESQ.
LD 486 – Ought Not to Pass

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

Joint Standing Committee on
Criminal Justice and Public Safety

March 17, 2025

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Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Michael Kebede, and I am a policy director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose this bill.

This bill would amend Maine’s current self-defense statute to introduce “Stand Your Ground” law into Maine’s criminal code. Enacting this bill would give a person in Maine the right to use deadly force to defend themselves without a duty to retreat from a dangerous situation if the person believes force is necessary to prevent death or serious bodily injury to the individual or a third person or to prevent a kidnapping, robbery, or gross sexual assault. Such a law would likely lead to increases in vigilante justice, loss of due process, and a rise in racial disparities when juries determine who is entitled to a Stand Your Ground defense. We urge you to reject this bill.

First and foremost, this legislation is unnecessary. Maine law currently recognizes a person’s right to self-defense, and does not include a duty to retreat when in one’s own home and not the initial aggressor. *See* 17-A M.R.S. §108(2)(C)(3)(a). Maine law also allows the use of deadly force when it is reasonable to do so. *See id.* §108(2)(A). This reasonableness requirement gives Mainers the ability to protect themselves while recognizing that it is always better to avoid taking a life if possible.

Second, Stand Your Ground laws increase the number of justifiable homicides. For example, since the passage of Florida’s Stand Your Ground law in 2005, the number of legally justifiable homicides has tripled



according to data from the Florida Department of Law Enforcement.¹ In the five years before the law's passage, Florida prosecutors declared "justifiable" an average of 12 killings by private citizens a year. In the five years after the law passed, that number jumped to an average of 36 justifiable killings per year.² FBI statistics confirm similar increases in a number of other states with Stand Your Ground laws.³

Finally, beyond the potential for an increase in homicides, Stand Your Ground laws create increased possibilities for disparities based on race in our criminal legal system. Because Stand Your Ground is a defense, it will be up to juries to decide whether someone's shooting was justified when prosecutors elect to press charges. Unfortunately, data has consistently shown that jurors find shootings of Black people to be justified more than shootings of white people, and shootings by white people of Black people to more often be justified than the shootings of white people by Black people.⁴ The racial justice implications of Stand Your Ground laws are so severe that in its report on violence against African Americans in the United States, the Inter-American Commission on Human Rights included Stand Your Ground laws as laws that should be eradicated.⁵

For these reasons, we urge you to vote ought not to pass.

¹ Fisher, M. & Eggen, D. 'Stand your ground' laws coincide with jump in justifiable homicide cases, THE WASHINGTON POST (Apr. 7, 2012), available at <http://wapo.st/2fZbeSM>.

² *Id.*

³ *Id.*

⁴ Daniel Lathrop & Anna Flagg, Killings of Black Men by Whites are Far More Likely to be Ruled "Justifiable" The disparity remains no matter the circumstances and has persisted for decades, Aug. 14, 2017, available at <https://www.themarshallproject.org/2017/08/14/killings-of-black-men-by-whites-are-far-more-likely-to-be-ruled-justifiable>

⁵ Inter-American Commission on Human Rights, Police Violence Against Afro-descendants in the United States, Nov. 26, 2018, at pp. 88-90, available at <https://www.oas.org/en/iachr/reports/pdfs/PoliceUseOfForceAfrosUSA.pdf>.