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Senator Deschambault, Representative Warren, and distinguished members of the Criminal Justice and Public Safety Committee, thank you for the opportunity to provide testimony in opposition to LD 1138, "An Act to Ensure the Right to Self-defense Exists outside the Home by Removing the Requirement to Retreat."

For 21 years the Maine Gun Safety Coalition has advocated for common sense gun safety measures that can and will save the lives of Mainers while still protecting the rights afforded gun owners under the state and federal constitutions. That is why we strongly oppose LD 1138. This bill will not make Mainers safer. In fact, every piece of research and evidence suggests the opposite.

It is notable that for every single bill that seeks to improve gun safety in this state, whether it be to expand background checks to ensure criminals and domestic abusers don't have access to firearms, or to ensure that children aren't harmed by loaded, unattended firearms negligently left around the house by adults, the question is invariable raised: where is the proof this law is needed? Where are the statistics? Where are the stories that merit this law? And so the Maine Gun Safety Coalition comes before you to simply make the same inquiry.

Where are the stories where the already expansive right to use deadly force in non-home encounters in this state was not enough? Where is the outcry from Mainers stating that their lives are at risk because the sky-high rates of violent crime do not afford them the opportunity to retreat if, and only if, the opportunity presents itself under the circumstances, as the law allows? We are consistently told by the gun lobby that Maine is the safest state when it comes to violent crime. If so, then why LD 1138?

While there are a dearth of statistics and anecdotes to support the passage of the bill, there are volumes upon volumes of studies to support an Ought Not to Pass report from this committee. Indeed, the very thing this law seeks to do - make Mainers safer - will be entirely undermined by the expected result based on the evidence from the 29 states that have similar laws: crime never goes down, and homicides always go up.

There are zero studies that have found that a state that enacts a stand your

ground law sees a decrease in crime. In Florida, however, a study published in the Journal of American Medicine entitled “Evaluating the Impact of Florida’s ‘Stand Your Ground’ Self-defense Law on Homicide and Suicide by Firearm: an Interrupted Time Series Study,” found that after that state’s stand your ground law went into effect, the state’s overall homicide rate went up 24%, and its firearm homicide rate increased by 32%, both justifiable *and* non-justifiable homicide rates increased, the homicide rates increased the most in areas that previously had the lowest homicide rates, and, perhaps, most damingly, in nearly 80% of stand your ground cases, the assailant could have avoided the act by retreating, and in nearly 70% of the cases, the person killed *was unarmed*.¹

Other studies have found that stand your ground laws result in an additional 30-50 deaths across the country per month², that they are associated with an 8% increase in firearm homicides³, and they are associated with large increases in hospitalizations resulting from gunshot injuries.⁴ Further, as recently as last year, the Department of Justice reported to then President Trump that when considering the racial effects of stand your ground laws in the United States: “In other words, if you are a black American, the chances of your death being ruled “justified” and, therefore, immune to prosecution increases if you die in a Stand Your Ground state. The chance of your family being able to seek justice goes down if you are killed in a Stand Your Ground state. That chance that your killer gets off scot-free increases if you are black and your killer is white in a Stand Your Ground state.”⁵

Even if laws similar to LD 1138 were found to have *no* effect on crime rates, their implementation wouldn’t be justified here in Maine because the state already has robust self defense protections that are currently working. But as is clear, the laws do have an effect, and it is a profoundly negative one on the safety and welfare of a state’s citizens.

Two other important points deserve mention. First, submitting the testimony on the day of the hearing has provided the luxury of examining the dozen written submissions in favor of this bill already provided to your committee. A central theme to nearly all, if not all of them is a complete and total misunderstanding of Maine’s existing law providing for the justified use of lethal force. As you well know, but as is clear those writing in support of this bill do not know,

¹ David K. Humphreys, Antonio Gasparrini, and Douglas J. Wiebe, “Evaluating the Impact of Florida’s ‘Stand Your Ground’ Self-defense Law on Homicide and Suicide by Firearm: an Interrupted Time Series Study,” *JAMA Internal Medicine* 177, no. 1 (2017).

² Chandler McClellan and Erdal Tekin, “Stand Your Ground Laws, Homicides, and Injuries,” *Journal of Human Resources* 52, no. 3 (2017): 621–653.

³ Cheng Cheng and Mark Hoekstra, “Does Strengthening Self-defense Law Deter Crime or Escalate Violence? Evidence from Expansions to Castle Doctrine,” *Journal of Human Resources* 48, no. 3 (2013): 821–854.

⁴ Chandler McClellan and Erdal Tekin, “Stand Your Ground Laws, Homicides, and Injuries,” *Journal of Human Resources* 52, no. 3 (2017): 621–653.

⁵ U.S. Commission on Civil Rights, “Examining the Race Effects of Stand Your Ground Laws and Related Issues,” p. 17, February 2020.

Maine's law *does* provide for the right to use lethal force against commensurate threats without a duty to retreat. The duty to retreat only becomes a factor when the retreat can be one to *complete* safety.⁶ If a firearm is being brandished against someone, it is unlikely that a place of complete safety can be reached because of the range and accuracy of a gun. Few cities and towns in Maine are dense enough to allow a person to flee and hide and/or barricade themselves from someone threatening others with a gun. Thus, the current law already affords Mainers ample protections to use deadly force when it is necessary to repel an attack that may use deadly force against them or a third person.

Finally, it should be noted how little is required of those who are able to legally carry a firearm in a concealed or non-concealed manner in this state. They need only be, 1. Of age, and 2. Not otherwise legally prohibited. The state does not require a license, proof of firearm knowledge or competency, the completion of a defensive use of a weapon course, or anything that shows that the bearer knows anything about the gun or how to use it, let alone under the high-stress, confusing, and fast-paced action of a violent encounter. We should not then, through our laws, be *encouraging* the use of firearms under such situations, when the likelihood of striking unintended targets is high and when resorting to deadly force may not be justified or required.

Stand your ground laws like LD 1138 would allow, indeed, encourage residents to shoot first and ask questions later. Later, when a gun is involved, is very frequently much too late. And because Maine's self defense law already provides adequate legal protection for those who find themselves in dangerous situations, the law is also entirely unnecessary. On behalf of our Board of Directors and our thousands of statewide supporters, we urge this committee to issue an "Ought Not to Pass" report on LD 1138.

Sincerely,

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⁶ 17-A MRSA § 108(c)(3)