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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON
CRIMINAL JUSTICE AND PUBLIC SAFETY

LD 1138, An Act To Ensure the Right to Self-Defense Exists Outside the Home by
Removing the Requirement to Retreat

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Chairwomen, and Members of the Joint Standing Committee I testify today in opposition to LD 1138, An Act to Ensure the Right to Self-Defense Exists Outside the Home by Removing the Requirement to Retreat.

This bill is a deadly solution in search of a non-existent problem. It pretends to ensure the right to self-defense outside the home, but in fact this right is not in danger. Indeed, Mainers enjoy the opposite. According to the most current FBI statistics, Maine has the lowest per capita murder rate in the country; homicides in Maine have actually declined in the last decade. Similarly, in its most recent compilation of violent crimes (murder, rape, robbery, aggravated assault), the Department of Justice reports that Maine is the safest state in the U.S.

Our state has long followed, and been well served by, two common law doctrines: self-defense and the duty to retreat. Today, this very morning, with no change in law, if you are faced with an immediate threat of force that causes a reasonable fear of deadly harm to yourself or others, it is lawful to use sufficient force, up to and including lethal force, to counter the threat. But your license to use force is carefully balanced by the duty to retreat. If you or other endangered persons can easily withdraw from danger you must do so unless the threat occurs in your home and you were not the aggressor. Clearly the statistics indicate that this balance of self-defense and self-restraint has served Maine exceptionally well.

But the majority of states, urged on by the National Rifle Association, have chosen to reject this balancing of right and duty. To varying degrees they have effectively immunized deadly force without reasonable evidence of threat and when safe withdraw was available. Their choice has gone badly. Research by RAND and others shows homicide rates rising sharply in states adopting Stand Your Ground laws while falling in states that did not.

Mainers with an objective reason to fear for their safety have ample legal protection to use force to do so. But it would be tragic to give legal cover to those who would use lethal force without legitimate grounds. I urge you to oppose LD 1138.