

NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

April 26, 2021

Joint Standing Committee on Criminal Justice and Public Safety

100 State House Station

Augusta, ME 04333

Dear Senator Deschambault, Representative Warren, and Honorable Members of the Committee:

I am writing to you regarding Legislative Document 1138 (LD 1138), an act to ensure the right to self-defense exists outside the home by removing the requirement to retreat. On behalf of the National Rifle Association, I would like to express our strong support for this legislation.

A duty to retreat means that a person in a public place who engaged in no illegal or aggressive conduct and is being threatened with death or serious bodily injury at the hands of a violent criminal, must instantly and correctly evaluate possible escape routes and run before offering any resistance or responding in kind. A failure to comply with the duty exposes the crime victim to possible arrest, prosecution and legal liability for unlawfully using force.

Expecting the police to prevent all such crime is neither practically nor legally justified. Courts have consistently ruled that law enforcement officers have no enforceable obligation to protect individuals, as the judges observed in the case of *Warren v. District of Columbia* (1981): "Courts have without exception concluded that when a municipality or other government entity undertakes to provide public services, it assumed a duty only to the public at large, and not to the individual members of the community."

LD 1138 is a necessary, common-sense bill that removes the duty to retreat provided an individual is where he or she is legally allowed to be. If enacted, law-abiding citizens would no longer be required to retreat before lawfully using defensive force. This bill places the risk of initiating a criminal assault or other attack back on the criminal aggressor, and ensures that victims of crime who respond with appropriate defensive force while protecting themselves or their loves once will not have to face the additional threat of criminal or civil prosecution.

On behalf of the thousands of NRA members in Maine, I urge you to support this legislation. Please do not hesitate to contact me if you have additional questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren E. LePage".

Lauren E. LePage, Esq.

State Director

NRA-ILA