

MEMO

TO: Committee on Criminal Justice and Public Safety

FROM: Criminal Law Advisory Commission (CLAC)

RE: L.D. 1138

Date: May 3, 2021

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CLAC members strongly oppose passage of LD 1138. The bill would alter Maine's law on the use of deadly force for self-defense by eliminating the duty to retreat when the person can do so with complete safety.

Again, the obligation to retreat only arises when the person can do so with complete safety. In such a circumstance, the use of force is not necessary to avoid death or serious bodily injury. Accordingly, the underlying rationale for the use of deadly force is not present. CLAC members do not believe that self-defense should justify the use of deadly force when that use can be avoided "With complete safety." The existing law is appropriate.