

Written 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"

Dear Senator Deschambault, Representative Warren, and distinguished members of the Committee on Criminal Justice and Public Safety. I am here offering written testimony against LD 1138, "An Act to Ensure the Right to Self-defense Exists Outside the Home by Removing the Requirement to Retreat."

As you know, LD 1138 is a "Stand Your Ground" law, which allows a person to kill another person in a public area even when they can clearly and safely walk away from danger. These laws condone armed vigilantism and an escalation of violence with the promise of a free pass after the fact. A 2013 *Tampa Bay Times* analysis of 119 fatal Stand Your Ground incidents showed that these laws often protect people with violent backgrounds and allow them to literally get away with murder. Some of the findings from this analysis include:

- Killers have invoked stand your ground even after repeated run-ins with the law. Forty percent had three arrests or more. Dozens had at least four arrests.
- More than a third of the defendants had previously been in trouble for threatening someone with a gun or illegally carrying a weapon.¹

A former U.S. attorney from South Florida is quoted as saying, "The legislators wrote this law envisioning honest assertions of self-defense, not an immunity being seized mostly by former criminal defendants trying to lie their way out of a murder."² The point of the article was not that those with prior criminal records are not entitled to a strong defense or that they should be presumed guilty, but that they seemed to be gaming the system. The article opens with an example of a man who killed his ex-wife's boyfriend. The man had engaged in escalating violent behavior toward them in the prior two years and served jail time for those incidents, but on the possible murder charge, prosecutors set him free, citing Stand Your Ground. Maine already has a domestic violence problem involving firearms; we don't need to compound it with a possible Stand Your Ground defense.³

Under current state law, Mainers can already use force, including deadly force, to defend themselves anywhere—except that if they are in a public place and that force is likely to seriously injure or kill someone and there is a safe way to walk away from the situation. LD 1138 would allow people to shoot to kill, *even when they could safely disengage*.

I live in the Seacoast area and frequently pass the sign that welcomes millions of visitors to Maine each year. It declares: "Maine, The Way Life Should Be." If LD 1138 were to be enacted, the first case in which a shooter invokes this Stand Your Ground defense will make headlines and have a serious impact on the way the world perceives Maine's cherished lifestyle and on our tourism economy. Allowing Mainers to shoot first and ask questions later is not my—or most people's—idea of "the way life should be." Please reject LD 1138. Thank you.

Sue Repko
Eliot, ME

¹ <https://www.tampabay.com/news/courts/criminal/many-killers-who-go-free-with-florida-stand-your-ground-law-have-history/1241378/>

² *Ibid.*

³ *Ibid.*