



Stand Your Ground

Stand your ground laws allow individuals to avoid criminal prosecution for the use of deadly force, even in situations where retreat is a safe and viable option. Many of these laws also allow individuals to intervene with deadly force to stop certain felonies, including property crimes such as a robbery, without regard to whether the defendant has a reasonable fear of being harmed or killed.

Stand Your Ground Laws...

OVERTURN CENTURIES OF LEGAL PRECEDENT

- For hundreds of years, states strictly limited the right to use deadly force in self-defense to instances in which an individual was faced with imminent death or great bodily harm, and was unable to flee.¹ Only in these instances was an individual justified in using deadly force. This legal doctrine is known as the duty to retreat.²
- In 2005, the Florida state legislature upended centuries of “duty to treat” with the first stand your ground law.³ As of June 2020, 26 states have such laws.⁴

EMBOLDEN INDIVIDUALS AND ESCALATE CONFLICTS

- Stand your ground laws have been used to justify shooting and killing people who were facing away, retreating or even lying on the ground.⁵
- One in three stand your ground defendants in Florida had a documented history of illegally carrying or threatening others with a gun.⁶
- In 79% of successful stand your ground cases in Florida, the defendant could have retreated to avoid the confrontation, and in 68% of successful claims, the person killed was unarmed.⁷

INCREASE HOMICIDES

- There is no evidence that stand your ground laws reduce burglary, robbery, or aggravated assault. In fact, such laws are linked to an 8% increase in the number of homicides nationally, or to an additional 600 homicides each year.¹⁰
- The passage of Florida's stand your ground law in 2005 was linked to a 32% increase in the firearm homicide rate.¹¹

EXACERBATE RACIAL AND GENDER INEQUITIES IN THE LAW

The unequal application of stand your ground laws underscores the pervasive, structural racism embedded within our legal system. Time and time again, these laws provide protections and immunity to white men who claim self-defense, while not affording the same protections to women or Black Americans.

- Nationally, a white person who kills someone and claims self-defense is 281% more likely to have the homicide ruled justified when the victim is Black than when the victim is white.¹³
- When a white person shoots a Black person in a stand your ground state, the odds that the homicide will be ruled justified increase by seven percentage points. Yet, when Black person shoots someone in a stand your ground state the odds that the homicide will be ruled justified do not increase.¹⁴
- Gun rights groups continue to promote the false claim that stand your ground laws empower women, when in fact research shows that they reinforce existing gender disparities creating a culture that normalizes and praises male violence against strangers.¹⁵

The Bottom Line

Stand your ground laws run counter to centuries of legal doctrine on self-defense, replacing the duty to retreat with a dangerous “shoot first, ask later” culture of violence. Counter to proponents' claims, research shows stand your ground laws are linked to increases in firearm homicides and injuries, and exacerbate racial and gender inequities in the law.

STATES SHOULD REPEAL THEIR STAND YOUR GROUND LAWS. STATES WITHOUT STAND YOUR GROUND LAWS SHOULD NOT ENACT THEM.

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