

# LAW, JUSTICE, AND ETHICS

Resolution LJE-19-35

## A RESOLUTION OPPOSING “STAND YOUR GROUND” STATUTES AND SHIFTING BURDEN IN THE LAW

WHEREAS, tragic shootings related to the controversial “Stand Your Ground” law, continue to persist in Florida and other states;

WHEREAS, Florida’s law, enacted in 2005, allows a person to use deadly force as a first resort when he or she is in “reasonable fear” of imminent great bodily harm or threat of death rather than first attempt to retreat or escape if safe to do so, and murders climbed 22% in the state after the “Stand Your Ground” self-defense law was enacted;

WHEREAS, Florida’s self-defense law gained widespread notoriety in 2012 after Trayvon Martin, an unarmed teen, was fatally shot by a neighborhood watch captain, who claimed he acted in self-defense under “Stand Your Ground”;

WHEREAS, in states with “Stand Your Ground” laws, the shooting of an African-American by a Caucasian is found justifiable 17% of the time, and in states without “Stand Your Ground” laws, white-on-black shootings are found justified just over 9% of the time;

WHEREAS, the Florida Department of Law Enforcement has cited that there have been nearly 200 instances since 2005 where Florida’s “Stand Your Ground” law played a factor in prosecutors’ decisions, jury acquittals or a judge’s call to dismiss charges;

WHEREAS, according to the Federal Bureau of Investigation data, justifiable homicide cases have increased in several states in the years after they passed “Stand Your Ground” laws;

WHEREAS, the “Second Chance on Shoot First” coalition and others have over the years focused on reform or repeal of dangerous “Stand Your Ground” laws that have moved use of deadly force outside of a home onto parking lots, sidewalks and other community areas, with no duty to retreat if such could be done safely, allowing a potential lawbreaker to roam free for an extended period of time;

WHEREAS, in 2017 Florida changed the “Stand Your Ground” law, shifting the burden of proof from the defendant to the state in pretrial hearings to determine whether a defendant is immune from criminal prosecution based on claimed justifiable use of force;

# LAW, JUSTICE, AND ETHICS

Resolution LJE-19-35

WHEREAS, additionally, the law was changed to require the state to disprove a defendant's "Stand Your Ground" defense by clear and convincing evidence, a higher standard than the preponderance of evidence standard that defendants previously had to prove;

WHEREAS, other states are likely to follow suit in adopting similar legislation;  
and

WHEREAS, data indicates that stand your ground laws disproportionately "justify" the killing or use of force against African-Americans.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) strongly opposes "Stand Your Ground" laws and particularly those that turn the standard of proof to the prosecution who has no victim to speak for themselves;

BE IT FURTHER RESOLVED, that the NBCSL urges state legislatures that have adopted "Stand Your Ground" laws to reform or repeal such laws and stand firm against the beyond a reasonable doubt standard; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

**SPONSOR(S): Representative Reginald Meeks (KY) and Senator Audrey Gibson (FL)**

**Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee**

**Certified by Committee Chair: Representative Reginald Meeks (KY)**

**Ratified in Plenary Session: Ratification Date is November 30, 2018**

**Ratification is certified by: Representative Gregory W. Porter (IN), President**