

House Bill 381 Stand Your Ground

Chairman Plummer, Ranking member Leland and members of the house Criminal Justice Committee. Thank You for the opportunity to testify in support of House Bill 381 Stand Your Ground bill by Representative Candice Keller and Representative Ron Hood.

Let me start by reading a quote by Thomas Jefferson one of our forefathers of this great nation. "The laws that forbid the carrying of arms are laws of such a nature. They disarm only those who are neither inclined nor determined to commit crimes.... Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."

I served over 23 years in the U.S. Army with two tours in Iraq. I have fought for your freedoms regardless of which side of the aisle you may be on. But when I came back home from the war as a combat veteran I did not expect that I would have to continue fighting for Americas freedom from our own people. This is truly disheartening and puzzling as to why there are fellow Americans willing to give up the freedoms that our nation's veterans have given life and limb for. It is actually very disrespectful to our service and sacrifice for which we gave.

House Bill 381 restores the ability to defend yourself or others. As the law stands now, citizens have to retreat as far as possible and then warn the criminal of their intention to shoot. The concept of "appropriate retreat" is vague and potentially confusing to a defendant who needs to take immediate, decisive action. Delay can sometimes be fatal. Overzealous prosecutors have sometimes argued that the defendant should have retreated even farther. These trials, even if they end in acquittal, are very costly and destroy defendants' lives.

As An example of a Supreme Court case on stand your ground and duty to retreat, I refer you to Brown V, United States (1921). In which the court held that if a person is attacked, and that person reasonably believes that he is in immediate danger of death or grievous bodily injury, he has no duty to retreat and may stand his ground and, if he kills his attacker, he has not exceeded the bounds of lawful self-defense.

Restricting self-defense harms the most vulnerable members of society. It compromises the safety of poor minorities who live in high-crime, urban areas. It also endangers physically weaker individuals. As police know all too well, they simply can't be there all the time to save people. We ought to have laws that show more compassion for the plight of people in these harrowing situations.

So in closing I urge you to pass this bill which will increase public safety.

Thank You for your time.

Yours sincerely,

Jeffrey R Hopton, U.S. Army Retired

Reference to above mentioned Supreme Court case. (I will have hard copies available at time of hearing)
[https://en.wikipedia.org/wiki/Brown_v._United_States_\(1921\)](https://en.wikipedia.org/wiki/Brown_v._United_States_(1921))

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