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Written Testimony Opposing House Bill 5412, An Act Concerning a Duty to Retreat in a House of Worship and Senate Bill 388, An Act Concerning the Defense of a Person or a Person's Dwelling, Place of Work, or Motor Vehicle

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel of the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in strong opposition to House Bill 5412, An Act Concerning a Duty to Retreat in a House of Worship and Senate Bill 388, An Act Concerning the Defense of a Person or a Person's Dwelling, Place of Work, or Motor Vehicle.

The ACLU-CT opposes statutory rights authorizing the deadly use of force, like stand your ground laws and the castle doctrine, because they raise serious civil liberties and racial justice concerns. These laws, like those proposed by House Bill 5412 and Senate Bill 388, expand the circumstances in which the state authorizes one person to kill another, without any semblance of due process, and encourage vigilante justice.

Before 2005, when stand your ground laws spread across the country, most states required a person to retreat before resorting to deadly force when facing a threat. This requirement was embraced by the Model Penal Code in 1962 and is the current standard in Connecticut law.¹ The gravest deprivation of liberty that a person can cause is the killing of another. Increasing the circumstances in which private individuals may use lethal force without fear of legal consequences, these two bills will result in more people in Connecticut being killed by others. FBI statistics

¹ Conn. Gen. Stat. § 53a-19.

demonstrate that after states adopted stand your ground laws, the number of “justifiable” homicides sharply rose in most states.²

Evidence-based research has demonstrated that laws like House Bill 5412 and Senate Bill 388 exacerbate systemic racism. One study found that juries are 350 percent more likely to determine that a killing was justified when the victim is Black and the shooter is white.³ But, when the victim was white and the shooter was not, the jury was more likely to find the killing to be unjustified.⁴

The ACLU-CT strongly opposes these bills because they are likely to result in the permanent deprivation of liberty by means of extrajudicial killing, with a disparate impact on people of color. House Bill 5412 and Senate Bill 388 will undoubtedly result in the extrajudicial killing of Black and brown people, and as such, do nothing to make Connecticut safer. The ACLU-CT urges this Committee to oppose both House Bill 5412 and Senate Bill 388.

² John Roman, *Race, Justifiable Homicide, and Stand Your Ground Laws: Analysis of FBI Supplementary Homicide Report Data*, URBAN INST. (2013), available at <https://www.urban.org/sites/default/files/publication/23856/412873-Race-Justifiable-Homicide-and-Stand-Your-Ground-Laws.PDF>.

³ *Id.*

⁴ *Id.*